NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 13, 2014

11:32 a.m.

REGULAR SESSION

SENATOR JOSEPH ROBACH, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT ROBACH: The Senate will come to order.

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

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

ACTING PRESIDENT ROBACH: In the absence of clergy, may we all bow our heads in a moment of silence.

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

ACTING PRESIDENT ROBACH: The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, March 12th, the Senate met pursuant to adjournment. The Journal of Tuesday, March 11th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time I would like to move to adopt the Resolution Calendar, with the exception of Resolution 3964.

ACTING PRESIDENT ROBACH: All in favor of adopting the Resolution Calendar, with the exception of Resolution 3964, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time, Mr. President, I believe there's a previously adopted resolution

by Senator Tkaczyk. It is Number 3871. I believe it's at the desk. Could we have it read in its entirety and call on Senator Tkaczyk to make some comments.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative Resolution 3871, by Senator Tkaczyk, memorializing Governor Andrew M. Cuomo to proclaim March 13, 2014, as K9 Veterans Appreciation Day in the State of New York.

"WHEREAS, This Legislative Body is pleased to have this opportunity to recognize all the working military dogs, past and present, that have served our nation; and

"WHEREAS, It is the sense of this Legislative Body to memorialize Governor Andrew M. Cuomo to proclaim March 13, 2014, as K9 Veterans Appreciation Day in the State of New York; and

"WHEREAS, During World War I, dogs were used for the dangerous job of carrying messages throughout the vast network of trenches, as well as to provide comfort to our soldiers; and

"WHEREAS, In January of 1942, Dogs for Defense was established by members of the American Kennel Club; this vital organization trained dogs for coastal sentry duty for the United States Army; and

"WHEREAS, On March 13, 1942, the K9 Corps was established within the Quartermaster Corps to train dogs and handlers for use as sentry dogs, scout or patrol dogs, messenger dogs, and mine dogs; and

"WHEREAS, An estimated 1,500 military working dogs were utilized by the United States Army during the Korean War, 4,000 during the Vietnam War, and over 500 dog teams have been deployed to Iraq and Afghanistan; and

"WHEREAS, Other branches of the United States military, including the Marine Corps, Navy, Coast Guard, and Air Force, have also used military working dogs to assist in their operations; and

"WHEREAS, Military working dogs and their handlers have been trained to provide a variety of functions including explosive detection, search and rescue, scout, patrol, sentry, and messenger, as well as to subdue the

enemy; and

"WHEREAS, Over the years, military working dogs have helped to save countless lives of both American soldiers and civilians; and

"WHEREAS, In addition, many residents of the State of New York are involved in activities to assist in United States military working dog programs; and

"WHEREAS, It is well-known that K9 dogs are loyal, loving, and devoted, and they have knowingly placed themselves in harm's way, often making the ultimate sacrifice by laying down their lives for their partners; and

"WHEREAS, It is appropriate for this Legislative Body to commend these dogs and to recognize their contributions by observing K9 Veterans Day, honoring the past and present canines for their valuable service and protection; they truly deserve to be remembered by all the citizens of this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim March 13, 2014, as K9 Veterans Appreciation Day in the

State of New York; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Honorable Andrew M. Cuomo, Governor of the State of New York."

ACTING PRESIDENT ROBACH: Senator Tkaczyk on the resolution.

SENATOR TKACZYK: Thank you, Mr. President.

Today marks the 72nd anniversary of the creation of the K9 Corps. I think it's very fitting that we ask Governor Cuomo to proclaim this date, March 13th, as K9 Veterans Appreciation Day in the State of New York.

I have to acknowledge, though, today is also a very sad day, because it was one year ago today that a deranged gunman killed four people and wounded two in Herkimer County. In the standoff with the gunman, an FBI dog named Ape was killed.

Ape's partner and handler said, "Ape was doing what he was trained to do and made the ultimate sacrifice for his team. His actions were heroic and prevented his teammates from being seriously wounded or killed."

Ape's fearless sacrifice is not unusual for K9 units. There are countless stories about military and police dogs knowingly putting themselves in the line of fire to protect their human partners.

I am joined today by several police and service dogs and trainers and handlers who know firsthand the devotion, bravery and loyalty demonstrated by their K9 units, and they are all strong supporters of recognizing K9 Veterans Day.

Their dogs are patiently waiting in the lobby outside the gallery, where we will be holding a press conference after session.

But joining us here in the gallery today are Pam Burns, who together with her dog, Brick, helps to train dogs to ensure that they are ready for homeland security duties. Pam is a member of the Albany Obedience Club, Albany Kennel Club, the Liberty Working Dog Club, the Doberman Pinscher Club of America, and the United Doberman Club. She is a long-time advocate of creating a K9 Veterans Day.

We also have Linda Delong, who is the certified trainer of Brandi, a therapy dog. Linda and Brandi do amazing volunteer work in the

community, working with children with special needs and visiting patients at Albany Med.

I especially want to thank the members of law enforcement who are joining us today:

State Police Investigator Bruce McWatters, who trained dogs in the Air Force and has taught classes on how to investigate animal cruelty cases.

Albany County Deputy Sheriff Joseph Martel, who's here, and whose dog Mo will be joining us.

Albany County Deputy Sheriff Patrick Strollo and his dog George are here.

Montgomery County Deputy Sheriff Jason Nare and his dog Gaj. Gaj's name is spelled G-A-J, which stands for Gary A. Johnson, a Montgomery County deputy sheriff who was killed in the line of duty in 1991.

And also thanks to State Trooper Kevin Grogan and his dog, Raz. Raz is trained in explosives detection and is a fundamental part of the security here at the Empire State Plaza.

I would also like to point out that I have sponsored legislation, S6163, that would

establish March 13th each year as K9 Veterans Day. And I thank Senator Marchione for joining me on that legislation. This bill is currently before the Committee on Veterans, Homeland Security and Military Affairs.

But since we haven't passed that bill yet, I wanted to make a resolution today on the floor and recognize this day as K9 Veterans Appreciation Day here in New York.

I'm hopeful my legislation will pass both houses and be signed into law by Governor Cuomo. And I'll be holding a press conference after session, and you are all welcome to join me and meet the dogs who are represented here today.

But I want to ask everyone to please join me in welcoming our visitors to the Senate in recognition of this resolution.

ACTING PRESIDENT ROBACH: On behalf of Senator Tkaczyk and all of us here in the Senate, thank you for the important work you do.

And we welcome you to the chamber for this important resolution, which was adopted on March 11th.

(Standing ovation.)

ACTING PRESIDENT ROBACH: Senator

Libous.

SENATOR LIBOUS: Mr. President, there's a resolution by Senator Hassell-Thompson, Number 3964. I believe it is at the desk. I ask that the title be read and, before we move for its adoption, I believe that Senator Hassell-Thompson would like to speak on the resolution.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3964, by Senator Hassell-Thompson, memorializing Governor Andrew M. Cuomo to proclaim Monday, March 10, 2014, as Harriet Tubman Day in the State of New York.

ACTING PRESIDENT ROBACH: Senator Hassell-Thompson on the resolution.

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

I rise to recognize Harriet Ross Tubman for her resourceful efforts in bringing countless African-American slaves out of bondage.

I have tried, in the 14 years that I've been here, to get a national holiday recognizing Harriet Tubman but have not been

successful. So each year around the date of her death -- because there were no records kept of slaves, we don't know the date of her birth. But we know that at the time that she died she was at least 93 years old. And so I believe that it is important to ensure that this historical legacy that she has established will never be forgotten and that we celebrate her life each year and her achievements through New York State.

Harriet Tubman is an inspiration to many people. Her actions and life embodied the true essence of service, spirit and strength. Because of her spirit, countless slaves were given hope. And through her strength and conviction, she was compelled to risk her own freedom for the freedom of others. Her dedication and commitment to the numerous slaves held in bondage have proven her to be the epitome of I believe true leadership.

She was born on the Eastern Shore of Maryland around 1820 on a plantation in Dorchester County and escaped from slavery in 1849. Upon gaining her freedom, she initially settled in Philadelphia, where she met William Still, the Philadelphia "stationmaster" of the

Underground Railroad, who, along with the Philadelphia Anti-Slave Society, introduced Harriet Tubman to the inner workings of the Underground Railroad.

In 1850, Harriet Tubman became a conductor on this railroad and eventually became the most influential of all the conductors by returning to the South 19 times, through this railroad, to free slaves. Over 300 were saved by her work.

Harriet Tubman claimed that she never ran her train off the track and never lost a passenger, thereby gaining the title of the "Black Moses of Her People."

In 1851, Ms. Tubman relocated members of her family to North Street in St. Catherines in Ontario, Canada, which became her headquarters until 1857.

In the mid-1850s, she made the acquaintance of the United States Senator, Secretary of State, and former New York State Governor William Seward and his wife, Frances, in Auburn, New York. The Sewards provided a home for her, which she later purchased and used as her new base of operation.

And when the Civil War began, Harriet Tubman worked as a cook in the Union Army in South Carolina and served as a nurse, a scout for raiding parties, and sometimes a spy behind Confederate lines.

After the close of the Civil War, Ms. Tubman returned to Auburn and made it her permanent home. There she joined the African Methodist Episcopal Zion Church, becoming a devoted and active member. In 1903 she transferred ownership of her property to the A.M.E. Zion Church, and after her death the church developed and managed her home and the adjacent property to sustain the memory of her sacrifices for her people.

The Harriet Tubman home and property are both currently registered as National Historic Landmarks in Auburn, and the site is part of the National Parks Service Freedom Trail in honor of her life and struggles.

On March 10, 1913, Harriet Tubman died and was buried in Fort Hill Cemetery in Auburn, where she received full military honors at her funeral.

As the recipient of two Harriet

Tubman Awards, I stand before you today with a grandmother who was born in slavery and say to you that I will always revere and persevere to make this country recognize Harriet Tubman for the hero that she was.

Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator Hassell-Thompson.

Are there any other members wishing to be heard on the resolution?

If none, the question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

And I believe there is another previously adopted resolution by Senator Montgomery. I believe it's Number 3331, and it's

at the desk. Could we please have the title read and call on Senator Montgomery.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative Resolution 3331, by Senator Montgomery, commending Dorothy Stoneman upon the occasion of being honored in conjunction with Women's History Month 2014 in the State of New York.

ACTING PRESIDENT ROBACH: Senator Montgomery on the resolution.

SENATOR MONTGOMERY: Yes. Thank you, Mr. President, for allowing me to honor another one of those phenomenal women in the State of New York.

It is customary in this house that annually, especially during the month of March, which is designated as Women's History Month, women of every race, class and ethnic background who have made invaluable contributions to the growth and strength of New York State will be honored during the month. So today I am pleased to rise to honor one of those women, Dorothy Stoneman.

Dorothy Stoneman is the founder and

the CEO of YouthBuild USA, Incorporated, the national support center for more than 273 YouthBuild programs in the United States. And she is the sponsor of YouthBuild International, which has generated 102 YouthBuild programs in 14 other countries, including Mexico, South Africa, Haiti and Israel.

YouthBuild USA is an innovative nonprofit organization that provides education, counseling and job skills to unemployed young adults between the ages of 16 and 24. The youth work on attaining high school diplomas or equivalency diplomas while learning job skills by building affordable housing or other tangible assets in their communities. Hence, the organization emphasizes leadership development, community service, neighborhood uplift, and the creation of a positive community of adults and youth committed to each other's success.

I must say that Dorothy Stoneman founded this innovative organization 35 years ago in the community of East Harlem, where she identified the needs and wishes of young people that she worked with there and they came up with the model that she eventually incorporated into

YouthBuild.

Dorothy Stoneman's abiding commitment to building a better society began at an early age for her. She joined the Civil Rights Movement in 1964 and worked on initiatives to improve the quality of life in East Harlem for many decades. It was there that she established the first YouthBuild program in 1978, working with local teenagers, as I have said.

Dorothy Stoneman has received numerous honors for her outstanding efforts. She is a recipient of the Harvard Call to Service Award, the Skoll Award for Social Entrepreneurship, the John Gardner Leadership Award, and a MacArthur "genius" Fellowship.

And throughout the entire period of her service to her community, the State of New York and the nation, Dorothy Stoneman has stood constant in dignity, good grace and humor and has made an absolutely important contribution to especially young people and their communities in the State of New York.

So I am honored to recognize her, and I thank you for allowing her to be recognized in this chamber today in the month of March,

Women's History Month.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Montgomery.

And as the members are probably aware, this resolution had previously been adopted on February 4th of this year.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time I would like to go to the reading of the noncontroversial calendar, if you would agree with that, sir.

ACTING PRESIDENT ROBACH: Yes, indeed, we will go to the calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 72, by Senator Ritchie, Senate Print 6224, an act to amend the Public Authorities Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 182, by Senator Martins, Senate Print 4057A, an act to amend the General Business Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

THE SECRETARY: In relation to Calendar Number 182, those recorded in the negative are Senators Hassell-Thompson, Hoylman, Krueger, Montgomery and Perkins. Also Senators Squadron and Sanders.

Ayes, 48. Nays, 7.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 208, by Senator Skelos, Senate Print 1905, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you. To explain my vote, Mr. President.

Under the bill that we discussed extensively in the Codes Committee, in fact, we kind of came to agreement that it was a bill that needed some amendment and work. Unfortunately, that didn't happen. It came right to the floor.

It goes after a really important problem, and it's one that we're supportive of. It does it in a little bit of a wacky way, including the possibility that under this bill you could actually have a higher penalty for taking a car that has an older child than a

younger child in it, which is an error and I'm sure not the sponsor's intent.

I'm going to vote yes, because overall I think we need to go after this kind of crime in a smart way. I wish it were amended and I wish that we were using the committee process to improve the legislation that we saw on the floor. But I'll vote yes, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Squadron. Your vote will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 213, by Senator Robach, Senate Print 2510, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of November.

ACTING PRESIDENT ROBACH: Call the roll.

SENATOR HASSELL-THOMPSON: Point of

order.

ACTING PRESIDENT ROBACH: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Mr. President, on the last vote the clerk did not record the no vote of Senator Montgomery.

ACTING PRESIDENT ROBACH: Announce the results again.

THE SECRETARY: In relation to Calendar Number 208, those recorded in the negative: Senator Montgomery.

Ayes, 54.

ACTING PRESIDENT ROBACH: That bill again is passed.

Back to the calendar, let's start again. We'll read the last section of Senate Print 2510, Calendar Number 213.

THE SECRETARY: Section 5. This act shall take effect on the first of November.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 277, by Senator LaValle, Senate Print 2031A, an act to amend the Education Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

I think that our friends in the other aisle may have some merits in this bill they propose. But I think one of the main criticisms with the process that we just saw occur in the joint session was that parents and educators, it's argued, were cut out of the process.

I think this bill doesn't address that concern. In fact, by placing this bill in

the Rules Committee without a public hearing, without incorporating the concerns of our parents and educators, we basically repeated the same mistake. So Senators in glass houses should not be throwing stones.

So I think, Mr. President, this bill, notwithstanding the crazy quilt of appointments that it provides, actually does not address the concerns that my constituents have, parents and educators not being part of the Regents selection process.

For that reason, Mr. President, I'm going to be voting no.

ACTING PRESIDENT ROBACH: Senator Hoylman will be recorded in the negative.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. I too rise to vote no on this bill.

Normally, Senator LaValle, I support a lot of the legislative initiatives, and I think your intent is good. I think all of us have expressed real concerns about the process. But I think that I, like Senator Hoylman, am very disturbed that this came directly through the

Rules Committee, never giving an opportunity for us to have some discussion.

Earlier there was a bill that was submitted talking about the need for a commission where we could examine the process and then agree upon something that made better sense. So for that reason, I must vote no.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator Hassell-Thompson to be recorded in the negative.

Senator Krueger, did you want to speak on the bill?

SENATOR KRUEGER: Thank you very much, Mr. President. I also rise to explain my vote.

So the other day we went through a Regents process that many of us had concerns about in this house, both aisles. And then there was a series of bills that came out on Regents reform through the Rules Committee, and I have to say a number of them contradict each other.

So this was actually the bill that I thought would be the least likely to come to the floor because it doesn't address how to improve the standards for who a Regent is, how to improve

the vetting process of evaluating whether someone should be a Regent, how to determine whether there is a better model in the 21st century than the one created in 1812 when education was a much less complicated set of issues, how to consider whether there were specialty areas that different Regents should have because Regents have responsibility for higher ed, for K-12, for the professions, for evaluating all kinds of issues.

So I really did look forward to bills that would have a hefty discussion around them about what we could do to improve the Regents process. I might even suggest that the Higher Ed and Education Committees might want to have joint hearings on this issue.

So today to discover that, instead, we are rushing to the floor -- skipping the Higher Ed or Education Committee and moving directly through Rules to the floor -- a bill that simply plays around with who gets the choice in any given year, is I don't believe adequate at all to meet the concerns that most of us have.

So I'm voting no and looking forward to potentially moving forward with joint hearings to discuss real changes to the responsibilities

of the Regents and how we pick qualified people to represent us on public education.

Thank you, Mr. President. I vote no.

ACTING PRESIDENT ROBACH: Thank you, Senator Krueger. Your vote will be recorded in the negative.

Senator Libous.

SENATOR LIBOUS: I guess, Mr. President, I'm going to be competing with the dogs that obviously have found a drug dealer outside.

(Laughter; inaudible comment.)

SENATOR LIBOUS: Well, I'm not picking sides, I'm just saying -- it could be a visitor. It could be a visitor.

Mr. President, on a serious note, I want to stand to applaud Senator LaValle for introducing this legislation.

And certainly while I respect my colleagues on the other side of the aisle, you know, sometimes you have to move quickly when a process is flawed. And I think for years there has been discussion as to the process of selecting Regents, and that maybe the Assembly

controls that. That's what they say. Even the media says that. And that those of us in this house really don't have a vote or a say. Some of us feel that as upstate legislators that we have no voice on the board.

And for years the board has made decisions and then dumped those decisions on educators and parents and students and then come to us as a legislative body and said, you know, You need to fund what we've mandated.

It's a flawed process. And certainly with the issue of Common Core, this process has now come into light. Parents are upset, their kids are extremely upset, teachers are frustrated. The dogs are upset.

(Laughter.)

SENATOR LIBOUS: And, Mr. President, I'm sorry, I don't mean to make light of this, because this is a very serious matter. And I do want to be supportive of this. Because sometimes you just have to take action.

So I believe, like Senator LaValle -- I put a bill in to abolish the Board of Regents. I mean, I just wanted to make it simple. But I understand that you can't make

things that simple. But it was a message to send. And by the way, my constituents sent me quite a few emails supporting that.

But Senator LaValle takes a more, I guess -- I would not call it compassionate approach, but maybe a more systematic approach. I support his approach right now. I think it's the right way to go. And I think if you have hearings and do all this stuff, sometimes it just delays what needs to be done, and sometimes you just got to make it happen.

And, Senator LaValle, I applaud you for making it happen.

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

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

I will be voting in the negative for a number of reasons, but a couple in particular I want to point out in explaining my vote.

The first is that this bill contains a clever bit of legerdemain, in that it requires the Minority Leader of the chamber to have an

appointment years down the road when I think the Majority is confident they will then be in the minority, so maximizing their appointments through this process.

And it also continues to have appointments for the Temporary President of the Senate. Now, we've seen this in other bills where the Temporary President of the Senate, because of this confusing situation we have currently, alternates from day to day. So I wonder who would be appointing the Regent on a given day. Would it matter if the vacancy occurred on a Monday or on a Tuesday or a particular year or another?

And so because it is so confusing, it's less than clear where the appointments would even be coming from even under the current scenario we live under today in the Senate.

So those are a couple of procedural problems. My colleagues have talked to some of the more substantive ones, which are leading me to vote in the negative.

Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator Gianaris. You will be recorded in

the negative.

Senator Grisanti.

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

You know, to me this piece of legislation is all about procedure. And what we saw in the Assembly, who controls the nomination of the Regents, we have no say in this house. The Assembly controls it. That should not be the procedure.

This bill that Senator LaValle has, and what everybody is talking about, is a bill that needs to move forward because there needs to be a time of change.

Here's the odd thing. The Assembly passed, the Assembly passed a moratorium on the Common Core. If they passed a moratorium bill on the Common Core, that means that they feel that there's a problem with the Common Core, a Common Core that was implemented in 2010 and took effect in 2013 by the same people that they put in there. The same people. So they have a moratorium on the Common Core of people that they voted back into the Regents for the next five years a couple of days ago.

And on top of that, members of this house voted for those same individuals. In fact, those that spoke on rejecting LaValle's bill did the same thing. They voted for the same people that implemented the Common Core.

So I will vote yes on this legislation. It's time that we move something forward. It's time we go ahead and have a voice for the parents and the children of this state to make sure things are implemented properly.

Thank you.

ACTING PRESIDENT ROBACH: Senator Grisanti, you will be recorded in the affirmative.

Senator Latimer.

SENATOR LATIMER: Thank you, Mr. President.

I'm one of those Senators that joined my colleagues across the aisle in voting no on the incumbents. I have been a pretty outspoken critic of the Board of Regents policies as relates to Common Core. I did so in Senator Flanagan's Education Committee meeting very straightforwardly, and have over the course of this debate made a very clear statement that

I'm not happy with what's happening in the Board of Regents or with those individuals.

I think Senator LaValle has done us a service by raising this issue for discussion and detailed understanding of it, and I compliment him for that. However, when we move from the policy -- which I disagree with -- to the process, we have to be very cognizant of a very delicate balance of power. That's what some of my colleagues across the aisle are highlighting.

And that balance of power in certain types of situations gives prerogatives to the Legislature as a body or to individual houses of the Legislature, and then at various times to the Executive branch. And I think we need to have a bipartisan, maybe I guess a tripartisan dialogue, whatever we've got, however many elements there are, to discuss together and to try to find a place where we can get to as a large group of us as Senators. Because we do need to look at the process. But we need to look at the process in light of what element of control we have.

What we learned, those of us who are critics of the policy, is that we don't have much

control. But I'm not sure that the path that this would take us down would give us that control. It might actually lessen our control.

So while I do compliment Senator LaValle for bringing the issue up, it's a thoughtful approach he's put before us, I'm going to be recorded in the negative.

And on the belief that this will not be the final time we discuss this issue, I would be very happy to engage with my colleagues on both sides of the aisle to try to find a place that we can get to that would change the process, and in hope of changing the policy that we disagree with.

ACTING PRESIDENT ROBACH: Thank you, Senator Latimer. You will be recorded in the negative.

Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

I appreciate the comments of my colleagues. And it's very interesting, maybe we have arrived at that point in time when people are willing to make changes in how the Board of Regents is formulated and what the process is all

about.

For so many years, up until the 1970s, the process really was done by agreement of the Speaker and the Majority Leader, it was done by concurrent resolution. There were people in the early 1970s, including one of our former colleagues, Senator Leonard Stavisky -- who was chairing the Education Committee in the Assembly at the time, and Senator Leon Giuffreda in this house -- that said, you know, "We've got to interview people." Senator Stavisky came up with the idea of putting an ad in the newspaper.

And when you look at the process, it's really kind of made up by custom and tradition. The statute is very, very clear in how we elect people to the Board of Regents.

This is one of two bills, and there are many other Senators who have introduced bills on how we either elect Regents or appoint Regents. But one thing is for sure, the time has come for change. And we as legislators need to be relevant as to how we're dealing with our constituency.

This bill, what this bill does is it says, finally, someone has to be responsible.

And with the Common Core, people were debating. And as legislators we said, Oh, it's the Board of Regents that has formulated this policy. Others said, well, you know, the Assembly, Assembly Democrats, who are in the majority, they're the ones that elect the Board of Regents. All in all, people say: Well, I don't care, someone has to be responsible.

This bill takes a page out of New York City and how the Board of Education -- the Mayor controls the board and controls educational policy. So if something goes astray, we can point to the Mayor. Whether the Mayor made a decision to close schools or keep them open, it's the Mayor. It's not the board, it's the Mayor.

And so here, if we have a problem with Common Core, well, it might be the Regents that do it, but it's the Governor who has the control of the board. And so we finally have someone who will stand up and say, It's me, I'm responsible. That's what this legislation does.

Yes, it changes how we select the Regents themselves, by appointment. But, you know, just think about it. For decades and

centuries, leaders made the decision. It wasn't until the 1970s when the Legislature spoke up and said "We need to play a role, we need to interview people, because we don't know what we're getting."

And we saw that in part just the other day, a Regent who in a 24-hour period, zoop, came through the process. No one knew who Regent Finn was, what she stands for, really.

So I think this legislation will, for once and for all, make the Governor -- and in most states, the Governor's responsible for education. And I think in this case New York needs to change and make one person responsible for educational policy.

I vote aye.

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

Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

And thank you, Senator LaValle, for remembering that time in the 1970s when my husband chaired the Education Committee in the

Assembly.

And it came about because he said that, miraculously, names would appear or a name would appear, and he felt that the process should be open to people who wish to apply. And the best way to apply to be a Regent would be through a newspaper advertisement. And that indeed is the process that we use today.

But he never suggested, publicly or privately, that we change the way in which the Regents are selected.

The Regents have a long history going back to the founding of our state. And I often point out that Alexander Hamilton served as a Regent of the State of New York before he was elected to the Assembly. He then subsequently resigned and went on to save our national Treasury.

But it seems to be that the process should be opened up but not the method of selecting Regents. That was never the intention. And while I commend Senator LaValle for certainly highlighting the issues, I think it's something that we really ought to take a look at. But giving the Governor the power is not the

solution, because he's sharing it with other people and so on.

I think we've got to have a more open process, and I think we've accomplished that. I think we did send a message that there are a lot of problems with Common Core. I think that message was heard by the Regents and hopefully they will take a second look at what's going on.

Thank you, Mr. President. I vote no.

ACTING PRESIDENT ROBACH: Thank you, Senator Stavisky. You will be recorded in the negative.

Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President.

Selection of the Regents is a very important process. And very often we hear from our constituents that have concerns about the quality of education of our children throughout the state, and we hear about issues like testing, curriculum, and the like. So real issues, the substantive issues. Because we can pump as much money as we want to into education, but if the

fine-tuned work of the Regents and the State Department of Education does not get done, we won't see positive results.

And so this is a very important decision, the selection of the Regents. And very often the word "Regent" is very esoteric. You ask somebody, a parent, about the Regents, and they won't tell you -- they won't know who they are, they won't tell you what they are supposed to do. They're really like a hidden term, upstate New York somewhere, and they have no full knowledge of what they do or what they're supposed to accomplish.

So this is an important task, the selection of the Regents. And certainly we should be looking at their qualifications, we should be looking at their experience, we should be looking at all the positives that they bring to the job.

But what we heard so far from folks throughout the state that are complaining about the Common Core is I think a concerning voice that they want to hear from us, their legislators, right, the people on the ground, what we want to do about the Regents and what we

want to do about education.

And I might add that, you know, for many, many years children in the City of New York, in many poor neighborhoods in the City of New York and many poor neighborhoods across the State of New York, have been failing these exams. And it is not until recent, after the Common Core process, the Common Core model was implemented, that we begin to see some concern, alarming concern around the state, when in fact these same numbers -- if not worse -- of failing students have been registering throughout many neighborhoods in the City of New York and poor districts across the state.

So, you know, we hear parents saying to us that they want to know who these Regents are, that we should select the best, and that they're concerned about Common Core and about the quality of education. We don't hear them say "Let's consolidate power and give it to the leadership." No, I don't think that's what they're asking for.

They're asking for each of us to represent them by making sure that we select the best-qualified person for this particular job.

Not to push the power down to the second floor or to the leadership, which is less accessible to them than our district offices, but for us to stand up and to make sure that we do the right job by selecting the best qualified candidate for this particular job.

For those reasons, Mr. President, I will be voting in the negative.

ACTING PRESIDENT ROBACH: Senator Espaillat will be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 277, those recorded in the negative are Senators Boyle, Breslin, Dilan, Espaillat, Gianaris, Hassell-Thompson, Hoylman, Krueger, Latimer, Montgomery, Parker, Peralta, Perkins, Rivera, Sanders, Serrano, Squadron, Stavisky and Stewart-Cousins.

Ayes, 39. Nays, 19.

ACTING PRESIDENT ROBACH: The bill is passed.

Senator Libous, that concludes the noncontroversial reading of the calendar.

SENATOR LIBOUS: Mr. President, before I'm going to say that the house will stand

at ease, Senator Griffo and a number of the members had a question, and they wanted to know who let the dogs out.

(Laughter.)

SENATOR LIBOUS: Mr. President, at this time Senator Gianaris, on behalf of the minority Democrats, would like to do a handup to the desk.

ACTING PRESIDENT ROBACH: That will be received and filed in the Journal.

Senator Libous.

SENATOR LIBOUS: At this time we would stand at ease.

I would recommend that members keep close to their conference leaders for when the Senate will come back into session today.

ACTING PRESIDENT ROBACH: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 12:19 p.m.)

(Whereupon, the Senate reconvened at 11:15 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time I'll call an immediate meeting of the Finance Committee in Room 332, and then the Senate will stand at ease until we hear the report of the Finance Committee.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Senate Finance Committee in Room 332. Until such time as the meeting concludes, the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:15 p.m.)

(Whereupon, the Senate reconvened at 11:44 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator LaValle.

SENATOR LaVALLE: Mr. President, may we return to reports of standing committees. I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT GRIFFO: We'll return to reports of standing committees.

There is a report of the Finance Committee before the desk. The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Finance, reports the following bill direct to third reading:

Senate Print 6352, Senate Budget Bill, an act making appropriations.

SENATOR LaVALLE: Mr. President, I move to accept the report of the Finance Committee.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Committee on Finance report signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator LaValle.

SENATOR LaVALLE: Mr. President, may we return to motions and resolutions.

ACTING PRESIDENT GRIFFO: We will return to motions and resolutions.

SENATOR LaVALLE: Mr. President, on behalf of Senator Marcellino, on page number 7 I offer the following amendments to Calendar Number 22, Senate Print Number 3046B, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator LaValle.

SENATOR LaVALLE: Mr. President, pursuant to Rule 6, Section 2, I move that the Senate shall continue in session after midnight this very evening.

ACTING PRESIDENT GRIFFO: The motion is before the house. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The ayes have it. We will continue, Senator LaValle.

SENATOR LaVALLE: Mr. President, can we stand at ease.

ACTING PRESIDENT GRIFFO: The

Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:45 a.m.)

(Whereupon, the Senate reconvened at 11:46 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator LaValle.

SENATOR LaVALLE: Mr. President, may we please have the noncontroversial reading of the supplemental calendar, and that is Calendar 20A.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 282, Senate Budget Bill, Senate Print 6352, an act making appropriations.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

Senator LaValle, that completes the reading of the noncontroversial supplemental calendar.

SENATOR LaVALLE: Thank you. Can we now have the controversial reading of the

supplemental calendar. That's Supplemental Calendar 20A.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 282, Senate Budget Bill, Senate Print 6352, an act making appropriations.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President. I don't believe I need an explanation, but if the sponsor would please yield for a question.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, do you yield?

SENATOR DeFRANCISCO: Yes, I will.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you. This is a debt service bill to ensure that the state continues to meet its legal obligations to pay its debts. Why would anyone ever vote no on such a bill?

SENATOR DeFRANCISCO: Why would

anyone ever ask that question? That's probably even --

(Laughter.)

SENATOR DeFRANCISCO: But I could see no reason why we want to want to harm the credit of the State of New York, because we all should pay our bills.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: So why did Senator DeFrancisco and 15 of his colleagues vote no on this bill on March 8, 2010?

SENATOR DeFRANCISCO: I quite frankly don't remember what I did yesterday.

There must have been an excellent reason for it back four years ago, and I can research it at a later time and let you know. But right now I don't recall.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor would yield.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Why are we doing the debt service bill at this exact moment when much of it ties into a budget we are assuming we might or might not pass, with sections of it that might or might not actually be in the budget when we get to it?

Wouldn't it be logical to do this when we had actual budget bills, even negotiated budget bills, already ready?

SENATOR DeFRANCISCO: Well, we are really at the mercy, as is every state and municipality, at the mercy of the rating agencies. And this -- and I believe it's already passed in the Assembly, is that correct?

SENATOR KRUEGER: No.

SENATOR DeFRANCISCO: No, it hasn't? Well, they're not as conscious of the rating agencies as we are.

(Laughter.)

SENATOR DeFRANCISCO: So we want to make sure that the world knows that we have already given authority to pay all of our debt, existing legal requirements on state debt

obligations during fiscal year 2015, appropriations of $5.4 billion paid out of the General Fund, $1.6 billion for debt service paid out of the Debt Service and Capital Projects Funds, et cetera, et cetera. And it's basically to show that we are going to pay our debts on time.

And we have reserved enough money, by the way, in this bill to cover the increases in the interest that are likely to come from the variable -- the debts that we have that have variable interest rates.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

So I agree, we should always pass debt service and never refuse to meet our obligations as a state. I'm just not sure the time frame has to be tonight.

I agree with the sponsor that most of the language in this bill matches what we

probably ought to be doing. But interestingly, if he would continue to yield, there's one section of the bill appropriating funds such as the Local Government Assistance Tax Fund and the Dedicated Highway and Bridge Fund, totaling $1.6 billion.

And I just wonder, in the one-house resolution that rumor has it we might do sometime soon, there's a change in the proposal of money in the Highway and Bridge Trust Fund. I was wondering if the sponsor could explain to me how the one-house resolution we're about to do would actually change what we would need to do in appropriations in the Debt Service Fund for this specific category, Dedicated Highway and Bridge Trust Fund.

SENATOR DeFRANCISCO: If we are going to do new transportation projects, highways and bridges, we would borrow for those funds and then we would have to pay them after the borrowing. Although we want to keep a good credit rating, we don't think it's necessary to pay before we bond. And all this deals with is old debt, and we are simply paying old debt and giving the authority to do that by this bill.

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

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: I appreciate my colleague's answers.

Again, I would find it very hard to ever justify voting against a debt service bill, as 16 of my colleagues from the other side of the aisle chose to do in 2010, whether they remember why or not. And so I will recommend a yes vote tonight.

But again, for the record, it's always a little unusual when we do budget bills out of order. We spend money in bills before we do our revenue bill, we're doing a debt service bill that assumes many things that we have yet to take up on this floor. So maybe someday we'll do bills in the right order.

Thank you, Mr. President.

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

Seeing none, hearing none, debate is closed.

The Secretary will ring the bell.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Just to explain my yes vote.

We're doing them in order because this is debt service for existing bonds. So whether we did them today or three weeks from now when the budget hopefully will be done, the fact of the matter is this is old debt, not new obligations that we may take up in the budget.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Absent from voting: Senators Addabbo, Diaz, Montgomery, Perkins, Sampson and Sanders.

Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator LaValle, that completes the noncontroversial reading of the supplemental calendar.

SENATOR LaVALLE: Mr. President, can we stand at ease, please.

ACTING PRESIDENT GRIFFO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 12:03 a.m.)

(Whereupon, the Senate reconvened at 12:19 a.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: I believe there's a privileged resolution at the desk by Senators Skelos and Klein. I ask that the title be read and we move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Senate Resolution 4036, by Senators Skelos and Klein, adopting proposed amendments to the 2014-2015 Executive Budget submission (Legislative Bills 6350C, 6353C, 6354C, 6355C, 6356C, 6357C, 6358C, 6359C and Senate 6609A).

SENATOR LIBOUS: Mr. President, is the resolution before the house?

ACTING PRESIDENT GRIFFO: The resolution is before the house, Senator Libous.

SENATOR LIBOUS: Mr. President, Senator Krueger would like to speak on the resolution or ask questions on the resolution.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you, Senator Libous.

And just for clarification, two packages were just laid on our desks. Are they different or the same?

ACTING PRESIDENT GRIFFO: Senator Krueger, I believe there's one resolution before the house on your desk.

SENATOR KRUEGER: Never mind, one disappeared. Thank you.

Through you, Mr. President, if the sponsor would please yield for some questions.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, do you yield to a series of questions?

SENATOR DeFRANCISCO: Yes, I would.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you.

So this is a one-house resolution. How much money is it adding to General Fund expenses compared to the Executive Budget?

SENATOR DeFRANCISCO: The financial plan that I handed to you moments ago indicates that the All Funds budget, the Executive has 142.706 billion in Executive Budget receipts, and then the adjustments are shown in that first column. And the state estimates receipts of 142.927 billion. And you can see that's All Funds, and we have the same computation for the State Funds, State Operating Funds and General Funds.

And then there's a summary in the Executive Budget spending, same situation, what the Executive spends, what our adjustments are, and what we spend.

So what it really boils down to, if you take a look at it, is that we spend, on an All Funds basis 182 -- excuse me. The All Funds spending is $137.4 billion, an increase of 1.5 percent over fiscal year 2014.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco yields, Senator Krueger.

SENATOR KRUEGER: How much money is added in your one-house bill for K-12 education?

SENATOR DeFRANCISCO: K-12 education, approximately $811 million. I think the Governor had added something like 500 -- it's 811 on top of what the Governor put in the budget.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor would clarify. So this one-house resolution has $812 million additional beyond what the Governor put in for K-12 public education?

SENATOR DeFRANCISCO: That's correct. If you include the pre-K dollars, you include gap elimination dollars, if you include all the dollars that go into education, that would be $811 million over the Governor.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor would continue to

yield.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: The second page of the chart I received shows net adds in education of $252 million. So I'm a little confused how we're getting to the over $800 million. Perhaps it is because of the UPK. And many of us delighted that we're all now committed to fully funding UPK.

But where in the resolution do we actually have those dollars, since I'm only showing a net add for education of $225 million on the chart I just received from my colleagues?

SENATOR DeFRANCISCO: Well, it's what I said before. It's the adds to education funding, mostly the GEA restorations. And the rest is the commitments on pre-K and also after-school programs as well, which I would consider part of that as well.

So that's where it comes from. Or that's where the spending is.

SENATOR KRUEGER: Through you, Mr. President. For the record, I would love if

that was true. I just don't see the numbers here on these charts. The one-house resolution --

ACTING PRESIDENT GRIFFO: Senator Krueger, are you on the bill or would you like to --

SENATOR KRUEGER: No, I have more questions. Thank you.

How much money is there for the increased TAP proposal, which increases maximum TAP I believe from $5,000 to over $6,300 per student? Where would I find the increased money for the cost of that?

SENATOR DeFRANCISCO: It's in the higher ed section of the resolution. And I'll get it in a moment.

SENATOR KRUEGER: And just how much is being assumed to be available for that?

SENATOR DeFRANCISCO: First of all, it goes into effect next calendar year.

SENATOR KRUEGER: January 1, 2015?

SENATOR DeFRANCISCO: Excuse me, I'm looking for the section of the resolution.

It's on page 27. My page that I'm looking at is a different page number. But page 27: The Senate concurs with the Executive

proposal of $87.7 million, State Operations, Aid to Localities.

But then we go into "The Senate advances language to increase the maximum Tuition Assistance Award from $5,000 to $6,470." And the income limit presently to get TAP is $80,000; it's now going up to $100,000. So that's one of the proposals on -- that's on TAP.

Now, there's several other very important proposals dealing with higher education that if you want to talk about, fine. If not, I'll get to it at another time.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

There's also a proposal -- I'm highlighting the proposals I actually like and I wish we had math for. We're going to increase the EPIC program, probably overdoubling the population eligible for EPIC. EPIC is now approximately $114 million a year, but magically

we can increase or overdouble the population eligible for only $2 million a year.

How are we going to pay for all those people's EPIC with $2 million?

SENATOR DeFRANCISCO: Well, we can afford it because the federal Affordable Care Act actually closes the doughnut hole -- partially -- which saves money. So that helps us afford the additional benefits which I think all of us are pleased to be able to afford our seniors.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Well, again, my colleague and I often agree because I agree the American Care Act, the Obamacare, actually offers all kinds of opportunities. But this one-house resolution cuts out the funding for the health exchange, seemingly in an attempt to kill Obamacare in New York State.

So does he know that we're cutting the funding to continue running the health

exchange, helping to ensure more people are on this program and hopefully decreasing our other costs, as he just described?

SENATOR DeFRANCISCO: Yes. Because in the Governor's Executive Order establishing the New York State Health Benefit Exchange, Number 42, one of the "whereas" clauses is "Whereas, the development and operation of the exchange in New York will impose no cost on the state but will be funded entirely with federal funds until January 1, 2015, at which time the change will be wholly self-funded, meaning that no state or county taxpayer dollars will be used for such purposes." And we take the Governor at his word.

SENATOR KRUEGER: Through you, Mr. President. There's a number of revenue changes in this budget. We do away with the Governor's proposals for circuit breakers for both owners and renters, but we change the Governor's tax freeze proposal.

One, I'm not going to ask why they did away with the circuit breaker. I'm very upset about it. But, two, I'm very confused about how this new freeze will work. Is there

any income eligibility requirement? Can millionaires get your credit?

SENATOR DeFRANCISCO: First of all, the way it works is it's a true -- it's different than what the Governor proposed because it's a true freeze insofar as it doesn't just -- it goes on beyond the two years. Basically, if the municipalities meet the requirements, what ends up happening is that the property tax is frozen and that any additional taxes that would have had to been paid by the taxpayer, up to 2 percent, would be paid by the state.

And that would continue, provided that the municipality or the school district has a plan that the state must approve -- the language is unclear as to who at the state would approve it, and that's why it's part of the negotiations. But the state would approve a plan either to consolidate, to use joint services, to operate more efficiently.

And the other thing it does different -- that we've had a criticism at some of the hearings and at some of our meetings back home -- is that a lot of school districts and a lot of municipalities actually have done

consolidation and efficiency efforts over the last several years. Those would count as part of their plan, and they would explain how they're going to go forward with that plan.

So if you were an efficient district and you did a lot of things, you're not shut out by not doing more when you've already shown your good faith in doing it and that you're going to continue in certain ways to continue in that plan.

So that's the way it works out. As far as the income level, it's $500,000.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor will continue to yield.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR DeFRANCISCO: And by the way, I think I mentioned to the -- you were there when I mentioned to the Commissioner of Finance that it would be a nightmare to administer. But this $500,000 is the same eligibility as the STAR program, so it's somewhat consistent with what's being administered presently.

SENATOR KRUEGER: So again, like the STAR program, it's more regressive than the alternative models that were there before. Would this apply to renters? Would this apply to the City of New York?

SENATOR DeFRANCISCO: No, it wouldn't.

SENATOR KRUEGER: And --

ACTING PRESIDENT GRIFFO: I'm going to have to ask the --

SENATOR DeFRANCISCO: And the reason it wouldn't is because --

ACTING PRESIDENT GRIFFO: I'm going to ask --

SENATOR DeFRANCISCO: The reason is that --

ACTING PRESIDENT GRIFFO: I'm going to ask the members to please exchange through the chair.

Senator Krueger.

SENATOR KRUEGER: Excuse me, Mr. President. So through you, Mr. President, if the sponsor would answer an additional question.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The

sponsor yields.

SENATOR KRUEGER: It will not apply to New York City, it will not apply to renters because?

SENATOR DeFRANCISCO: Mr. President, that's exactly what I was going to get into when you rudely interrupted our exchange.

(Laughter.)

SENATOR DeFRANCISCO: The reason is is if you look at the numbers when you get to the education portion of the resolution, there are substantial funds to the City of New York for pre-K, for after-school programs and the like.

And the concept was we would want to have some type of regional balance. Those are things that the upstate people will have to pay for on their own, as opposed to the state picking up. So we want to have regional balance in benefits going to each region.

SENATOR KRUEGER: Through you, Mr. President. For the record, this plan is to give money not to the local governments but in fact to individual homeowners who are having trouble meeting their costs.

In fact, the local governments, like

the old plan that I think my colleague didn't like, will still have the obligation to try to meet their expenses without increasing their revenue. And unlike the education funds, those go to the governments. And these proposals either go to the taxpayer or don't. And in this case they don't go to the taxpayers in need in New York City or renters throughout the state. So it's a little bit apples and oranges, not apples and apples.

I'm going to speak on the bill because I know the hour is late and we have limited time. And I may have time to come back later.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: I always appreciate working with my colleague John DeFrancisco.

I wish this wasn't 12:30 at night and that we had had more time than starting at 5:30 this afternoon to review this one-house resolution. There's an amazing amount of unknown information. There's an amazing number of the lines in the document that are concerns or

modifications with no dollar figures or no even language explanation of what we might guess is meant.

My other colleagues will be going into specific details. I attempted to highlight a few things.

We are doing away with the circuit breaker, which I believe is the most popular proposal to ensure tax relief to those people most in need statewide. We've created a new freeze system which sort of has all the problems of the Governor's proposal, and I'm not at all clear that there are advantages.

We promise TAP money to TAP students, but there's no money in this budget. We promise increases in EPIC, but it's not clear there's money to pay for that. We promise more money for education, but I have to say the numbers don't add up on my own colleague's charts.

And in fact there is some information that there's more money that will be going to charter schools than to all the public schools in New York State, which means 3 percent of the students will get far more than the

97 percent of the students, who are all desperate for education funds.

There's very confusing revenue proposals beyond the tax-freeze questions. There are a series of changes in how we structure our taxes, a whole series of new tax expenditures and tax reductions, a whole series of changes to our gambling proposals. And we won't do justice to any of this tonight.

And in fact I believe that if we had budget bills -- because by the way, we don't have budget bills to back up any of these 55 pages of often one-sentence description. If we had budget bills before us, maybe we could have a healthier debate about what's being proposed. But disturbingly, we don't have those on our desks. And I don't even believe they've gone into the computers yet.

So I may have other statements later, but for now I'm very disturbed about what we're missing. In fact, even if there's a laundry list of everything everyone might like to see in a perfect world, there's just not the money for it.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President. If the sponsor would yield.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: Thank you.

On page 8 of the resolution there's a reference to the State Board of Election's Article 7 proposals to propose modification of Part H relating specifically to the Public Trust Act, the creation of the independent chief enforcement counsel and campaign finance reform and public campaign finance. If the sponsor has found it, page 8.

SENATOR DeFRANCISCO: Okay, I've got it. Thank you.

SENATOR SQUADRON: What does that mean?

SENATOR DeFRANCISCO: Well, you can interpret it many different ways.

(Laughter.)

SENATOR DeFRANCISCO: And basically

what it means in lay language is that we're rejecting the Governor's proposal and we want to talk.

We're leaving options open, we want to modify it in some way, but at this point in time there's just not a clear consensus among the Majority as to how that should be interpreted. And that's why we're going discuss it between now and whenever a final budget bill is put together.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: I have not seen that vernacular, "let's talk," in a resolution before, so I appreciate you being straightforward about it.

The phrase "public campaign finance" is used in the resolution. That's not used in any of the Governor's proposals. So should I take that phrase "public campaign finance" to mean that the Senate Majority has a new proposal for public campaign finance, a system of public matching funds for elections?

SENATOR DeFRANCISCO: No, it doesn't mean that at all. It means that these things are open and reasonable minds can come up with many, many different types of proposals that would accomplish the fairness and the openness and the enforcement that is the goal of the Governor. We just haven't had a consensus on it yet, and we're willing to discuss all options.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: We've sort of talked about the first part of this provision.

Just to go to the second part, it says "To increase transparency and disclosure measures, provide for increased enforcement, adopt a system of public campaign finance, and strengthen provisions of the Public Officers Law and the Penal Code to enhance the integrity of governmental and electoral processes in New York State."

From that second portion of this, should I take it that the Senate Majority

supports adopting a system of public campaign finance in order to enhance the integrity of governmental and electoral processes in New York State --

SENATOR DeFRANCISCO: No.

SENATOR SQUADRON: -- or does that portion not mean what this seems to say?

SENATOR DeFRANCISCO: No. As I say -- I can repeat it several times -- different people in the Majority have different points of view on this issue.

The concept was, in my judgment, to put up a proposal that we -- we're not going to accept the Governor's, we're modifying it subject to some type of consensus, and how it's going to be modified. We're talking about these things. We're trying to come up with a consensus.

And we wanted to get into the general conference committee meetings and the regular conference committee meetings, start hashing these things out, and we needed something to get the game started. And that's the whole point of the resolution as well.

There may be other vagaries in the resolution, but in many cases you'll see that we

will consider or we would like to negotiate or we will -- because that's going to be part of the ultimate negotiations.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: And forgive me for being repetitive. I looked for Bill S6355B which is referenced here, but it doesn't seem to exist as of the point that we are being asked to debate this resolution. So all I can do is continue to ask iteratively for further information.

From the sponsor's answer, I take it that 6355B or C, whichever version ends up eventually becoming available sometime after this resolution is voted for, will not have any feature on lowering contribution limits for participants in a public financing system or lowering contribution limits more generally?

SENATOR DeFRANCISCO: All I could tell you, whatever is in that bill, if anything, it would be no clearer than what this says.

SENATOR SQUADRON: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron on the bill.

SENATOR SQUADRON: I thank the sponsor enormously for the frankness of the answers.

And I have to say I think we agree that whatever is in that bill, if there's anything in that bill, I truly believe it will be no clearer after these questions.

(Laughter.)

SENATOR SQUADRON: I think it's actually no laughing matter, though. This is one of the fundamental proposals that the Governor made this year. It's a fundamental proposal for who we are as a democracy.

In this state we have a deeply broken campaign finance system, contribution limits that are absolutely shocking and allow very small numbers of deeply invested interests to have an outsized influence. We have little or no enforcement of the laws that do exist. We have loopholes that allow certain corporate entities to effectively give literally unlimited

sums of money.

And we have a specific proposal on the table from the Governor -- a very good one, in my view; a specific proposal on the table from the Assembly -- a very good one, in my view. And in the Senate we have something that will not be clear even if there is one day a bill.

And that's simply not what this process is supposed to be about. This process is supposed to be about bringing just a little bit of sunlight, a little bit of public knowledge and straightforwardness about where each of the entities that have to negotiate a budget are at this point in the process. And on this fundamental issue of our democracy, unfortunately, as the sponsor said, we simply don't have clarity.

That is a fundamental problem with this resolution. In my view, this is as important a proposal as any. I know there are members of this house who disagree with me. This is the point when we should be starting to have that conversation. And unfortunately, even here at nearly 1 a.m., we can't.

There are a couple of other features

of this proposal -- resolution -- that are missing what I think is critically important. Yesterday we found that in New York City we have the highest level of homelessness in the history of the city, more children homeless than ever before. We have a proposal in the budget that would prevent New York City from creating a subsidy program to move people from expensive shelters into much more inexpensive and much more positive permanent housing. That's not dealt with in this resolution, despite the crisis in New York City.

There are programs for emergency homeless, summer youth employment, settlement houses, community services for the elderly, and of course the DREAM Act that we don't see in this resolution.

And so I really do wish, as late as it is now, that we had taken just a little more time to fully complete what we were talking about tonight and maybe even have the bills that are referenced in this resolution.

So I thank the President and yield.

ACTING PRESIDENT GRIFFO: Thank you, Senator Squadron.

Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Peralta on the bill.

SENATOR PERALTA: I'm very disappointed that the DREAM Act is not in this one-house budget, but I can't say that I'm actually surprised.

Despite the fact that the highest estimate of the DREAM Act's cost would occupy 0.00018 percent of the budget, or 2 percent of TAP costs; despite the fact that not a single person currently eligible to get TAP would be displaced by its passage; despite how easily $40 million a year was found to pay for public financing -- I must add, a progressive measure that I proudly support; despite the fact that this is a smart investment that will pay future dividends by helping create the next generation of taxpayers and business owners; despite the fact that immigrants are more than twice as likely to start a business as people born in this country; despite all the talk of supporting job creators and small business owners; despite all

the hardworking young people whose lives you can improve with just a single act; despite the fact that the vast majority of these Dreamers came here at a young age through no choice or fault of their own; despite the fact that we don't punish children for the actions of their parents in any other context; despite the fact that more than two-thirds of undocumented immigrants have lived in this country for more than 10 years; despite the fact that the first state DREAM Act was signed by Republican Governor Rick Perry more than a decade ago; despite the fact that even as a Republican presidential primary candidate, Governor Perry argued that repealing the DREAM Act will cost the state tens of millions in tuition fees; despite the fact that I understand that some of my Republican colleagues wish that New York was a lot more like Texas when it comes to guns, taxes, business regulation and energy policy, and you would think that maybe they would follow in the footsteps of the Lone Star State; despite the fact that Mayor Bloomberg said that our current policy amounts to telling Dreamers "We're not deporting you, but we're not letting you succeed here, even though our economy wants

you and needs you"; despite the fact that New York was a leader on in-state tuition for immigrants in 2002; despite the fact that the 2002 bill passed the chamber with the support of 16 Republicans; despite the fact that just a few weeks ago in Washington State, a state senate majority coalition made up of Republicans and centrist Democrats passed the fourth state DREAM Act; despite all the rumors, despite all the gossip and despite all the innuendos, despite all of that, in my heart of hearts I wasn't really expecting some Eureka moment where the Majority Coalition adopted the DREAM Act and called it its own.

But even in this dark moment, there's still hope. I believe we're closer than ever to persuading some of you who came in with an open mind. We have an Assembly that included this bill in their one-house budget and a Governor who has said that he will sign it if it comes to his desk. We have two weeks of budget negotiations ahead and plenty of time to make sure that the DREAM Act ends up in the final product.

Most importantly, perhaps, we have a

commitment from Co-Majority Leader Klein to bring this bill to the floor in the Senate.

I look forward to that day. Dreamers look forward to that day. And I believe that it cannot come soon enough. We have talked about this issue, we have spent time on this issue. This is the year we must pass the DREAM Act, via budget or a floor vote.

Let's keep this dream alive, and let's make this a reality this year. We've talked the talk, now let's walk the walk. We need to ensure that everyone understands that this is about ensuring that people become productive members of society. And if we have the votes, let's make sure that we pass the DREAM Act.

Thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Espaillat on the bill.

SENATOR ESPAILLAT: Yes. I believe my colleague has just enumerated a great number

of reasons why we should pass the DREAM Act.

Back in 2002, when this house was fully controlled by the other side of the aisle and when we had a Republican Governor, we were able to join other states in passing in-state tuition. In-state tuition offers undocumented students that have proved that they were either a graduate of a New York State high school or a recipient of a General Equivalency Diploma the ability to pay in-state tuition and access higher education.

Many of those students cannot afford the college costs of tuition and hence are not able to access higher education and become productive members of our society. So although we were able to successfully pass in-state tuition back in 2002 with a Republican Governor and a Republican Senate, we seem to lag behind in our ability to bring the DREAM Act to the floor.

It is a $25 million commitment. It is a drop in the bucket. If we are to discuss the full content of this budget, we will know that $25 million is not a lot of money when you consider the economic benefits that the State of New York will gain by having hundreds and

thousands of young people access higher education, becoming the professionals of tomorrow, taxpaying professionals, to help our state.

So I am deeply concerned that it's not in the budget. However, I am hopeful that in the couple of weeks that we have through which we will negotiate this budget, we will be able to bring this act to the floor. And I hope that all of us will be here to cast our position on this vote.

With respect to other aspects of this budget, I am encouraged that there is some funding available for universal pre-K and after-school programs. This is something that the City of New York has asked for throughout the last few months. And this budget begins to address that need, although it doesn't necessarily give us details as to which are the revenue sources to pay for these services.

And so as I did last year, I will be voting no on this resolution, hopeful that the DREAM Act will come to the floor and that we will get greater clarity as to which revenue sources will be made available to fund universal pre-K at

$340 million and our after-school programs at $200 million for the City of New York.

I will voting no on this bill, Mr. President. Thank you.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Hoylman on the resolution.

SENATOR HOYLMAN: It's obviously late, Mr. President. And it's been said that we don't have a lot of details, or many details. We certainly don't have the bills to fully debate this budget resolution. It's a bit like trying to debate the meaning of War and Peace by reading the table of contents. And that's essentially what we have here this evening.

My colleagues have spoken about concerns I share: a lack of mention of the DREAM Act, apparent inclusion of campaign finance reform and public matching, but possibly not. As Senator Squadron has pointed out, the elimination of a renters's tax credit.

But I wanted to focus specifically

on the program called HASA, which is HIV/AIDS Services Administration, and what has been known in common parlance as the 30 percent rent cap.

My predecessor, Tom Duane, I know that many of you heard him speak on this issue on more than one occasion, and he did so rather passionately. I'm not certain I can equal that level of passion. And for you, that might be a good thing.

But I wanted to point out that the budget resolution makes some changes that were agreed to previously by the Governor and the Mayor. They agreed to contribute shared portions to help fund a program that would cap individuals who are low-income and symptomatic with HIV/AIDS to 30 percent of their income.

The budget resolution before us this evening apparently changes that and allows the 30 percent rent cap to apply to all chronic diseases. Which sounds like a great thing, and I'd be certainly in favor of it, except for the fact that it doesn't increase the funding. We have about $9 million from the state that the Governor and the Mayor agreed to. Increasing a program to include all chronic diseases at

$9 million simply won't do the job.

And it's so important, because the HASA 30 percent rent cap has been shown to reduce HIV transmission. It's not charity. These are low-income individuals. They are forced at the moment to live on less than 12 bucks a day through this program. And it is the only housing program, Mr. President, at either the state or the federal level that does not have this 30 percent rent cap.

So we are trying, Mr. President, to fill a loophole here. We're not doing anything special for these people. We are trying to get them what everyone else gets in similar housing assistance programs. For some reason they were left out. It was the 1980s, and I think you can come to your own conclusion why they were.

But there's another reason, Mr. President, that this is such an important program, and it was discussed today at a symposium on the plan to end AIDS in New York. And I have to commend Governor Cuomo and Health Commissioner Shah on their foresight. They believe that we can actually eliminate HIV transmission in New York State, and we can do

that if everybody who is HIV positive is on medication.

That will occur more readily if those individuals are in stable housing. They will take their medications, they can bring their viral load down to virtually zero. That means if they have unprotected sex with someone else, that individual will not contract HIV/AIDS. That's a remarkable thing.

And studies are showing, time and time again, that babies whose mothers are HIV positive, if the mother takes her HIV antiretrovirals, she will not transmit HIV to her child. That's what we can do with adults. We can eliminate AIDS from New York State if we adopt this program in the plan to end AIDS.

So I would urge you, Mr. President and my friends on the other side of the aisle, to make certain that we fully fund the HASA 30 percent rent cap program. It's a matter of equity for these individuals. It's a matter of public health.

And, Mr. President, I'm sure you appreciate this, it's going to save us money in the long run. These individuals will not be in

emergency shelters, they will not be going to emergency rooms, they will be in stable housing, taking their medication, getting healthy and being less infectious. That helps all of us.

Because of these insufficiencies and the vagueness that have been pointed out by my colleagues, I'll be voting no on the resolution, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera.

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

ACTING PRESIDENT GRIFFO: Senator Rivera on the resolution.

SENATOR RIVERA: Thank you, Mr. President.

Where to begin. Well, let's start with the fact that we started this debate at 12:19 a.m. I think that when we're talking about this budget resolution, we've got to talk about the fact that there is a broken process that has led to a broken product.

The first thing, we started, again, as I said, at 12:19 a.m. And we've only had a couple of hours to look at an incredibly

complicated resolution, at this point in reference to a whole bunch of bills that might or might not exist.

Our good friend Senator DeFrancisco earlier referred to a bill that might be written, not might not be written, et cetera. That tells you plenty about how the process has been broken.

The fact that anybody on this side of the aisle was not even -- didn't even have a real sense of what was going to be on it until a few hours ago tells you how much the process is broken.

And the product itself is broken as well. As some of my colleagues have already discussed, there's no real campaign finance reform. There is a paragraph that sounds nice, but it doesn't really do anything. It doesn't refer to a bill that actually exists.

There is no DREAM Act. And I think that my colleague Senator Peralta made a very compelling case about all the conversations that have been had about the importance of this and the diminutive cost to the budget, and how big an impact it would have much. And more importantly, how much it's been spoken about, but nothing

actually happens. So no DREAM Act in there.

There's no real details on mostly anything in this resolution. And I'm sure that when we get the bills, they will be detailed and then we will have an opportunity to really have a conversation. But again, no real opportunity for many of the folks in this body to even see the details, therefore be able to look at them to discuss them. This is supposed to be a deliberative body. This process is supposed to be a better one. Unfortunately, it is broken.

I will highlight briefly a couple of issues in the health part of the budget and then I will conclude.

But just to talk about yes, there are a few things in the health part of the budget that I think are positive. But when you look at the fact that on issues of worker wage parity funding there is a paragraph that speaks about the concern, but there is really nothing else there.

The fact that a Basic Health Plan, the option that was included in the Executive proposal -- and a good one, I might add -- was excluded from this one-house. The fact that, as

we spoke about earlier, it seems that the Majority, the Republican-led Coalition, wants to cripple the health exchange by taking the Executive proposal of almost $54 million out of the one-house. The fact that $2.5 million for Community Health Advocates was taken out. The fact that the private equity demonstration program was multiplied from five programs to 10 programs.

And we've discussed on the floor here how many of us believe that introducing a for-profit motive in the healthcare industry here in the State of New York would be the wrong way to go.

The fact that even though we do exclude, exempt school-based health clinics from transition to managed care, which is something that many school-based-health advocates have asked for, we do not include school-based mental health clinics. So we exclude those folks.

These are just some of the highlights. And these are just some of the things that we were able to look at in the last couple of hours. Which by itself should tell you how, again, this process was broken, the product

is broken.

And I would implore our colleagues, as we move forward in this, we look at how we can include more people in the process, how we can actually have a discussion about how do we put a budget resolution together and a series of budget bills together that actually address the concerns of folks in this body and don't exclude so much of the conversations that we're supposed to be having. And I'm not even getting into the issue of education funding, whether it's there, whether it's not there.

Ultimately, ladies and gentlemen and Mr. President, unfortunately, this is a broken process that led to a broken product, and I will be voting in the negative on this resolution.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: Mr. President, on the resolution.

ACTING PRESIDENT GRIFFO: Senator Parker on the resolution.

SENATOR PARKER: Thank you very much.

First let me begin by congratulating Senator Skelos and Senator Klein and the staff of the Senate on their hard work. We know how hard it is to pull all these numbers together, make it look like it balanced and kind of, you know, make a presentation of this. And so, you know, I think there is an appreciation. And I think people should not take the disagreement or the questions as a critique of the amount of work that went into this process.

I do want to agree with my colleague Senator Rivera as he critiques the process in terms of everyone not being part of it, that we have come to a complete decision with incomplete participation in the process. And certainly my colleagues on this side of the aisle would certainly like to have more involvement in this process.

I also want to agree with Senator Peralta as he objected to the lack of a DREAM Act. I represent a district, the 21st in Brooklyn, which is Flatbush and East Flatbush, Midwood, Ditmas Park, Windsor Terrace and Park Slope. And I have a very, very large immigrant population there. Certainly a number

of them would benefit from the DREAM Act. And I really want to, you know, use that notion to transition to the main points I want to hit in terms of education.

And the reality is, as I think I've said on the floor a couple of times, that budgets are not about dollars and cents. Budgets are about priorities. They are about values. It's about what do we say is most important.

And let me congratulate the Senate Republicans and the IDC for putting forward, you know, universal pre-K as an important value. And there's a significant amount of money in that program. We don't really know whether that's enough money, but it's certainly a significant amount of money both for universal pre-K and for after-school.

As someone who has actually carried the UPK bill for about five or six years, I'm glad that people have finally come to the party and realized that this is an important thing that we do for the young people of our state.

You know, education should be primary in terms of a value because there's

literally nothing that we do that is more important than educating the populations of our districts. Literally nothing more important. That what they refer to in public policy as the third-party externalities of education outweigh almost every other policy area that you could do things with.

So as we talk about things like corrections, or we talk about crime, one of the things that we find is that the population of people in prison in New York State, over 60 percent of them are actually functionally illiterate. Right? And so one of the things that we know is that education actually leads us to a populace that is less invested in criminal acts to make a living because they're literate and they have other opportunities.

As we talk about the safety net programs and the things that we do like, like food stamps and income maintenance, so on and so forth, we know that people are less dependent, that actually literally the program that we know that works the best is in fact giving people education. That helps people get off of welfare and get onto work.

I sponsor a bill here in the Senate that in fact counts college as a work-related activity. As we stand here today, going to college is not a work-related activity under workfare. And so you have people literally dropping out of college to go clean parks and do other things as part of their workfare when in fact they ought to be in fact getting more skills so they can actually make money in the workplace.

As we know, we have an economy that's moving from Wall Street to Main Street. In my district the Main Streets are Flatbush Avenue and Utica Avenue and Church Avenue. And we know that to work in this economy, we even -- you know, one of the things I did when I was young is I worked in a grocery store. And I recently was shopping and was looking at what the checkout clerk was doing, and I was like, you know what, I don't know if I could operate that computer. You know, I mean it was really complicated.

So even, you know, jobs that we think of as, you know, jobs for young people require college. You know, we have an Army and a military now that doesn't necessarily want to

take people unless they have two years of college. Right? You know, even the Police Department in New York City is looking for two years of college. So it's critical that we in fact put as much as money into education as possible.

We don't do that -- we do it for UPK and we do it for after-school. We don't actually hit the mark as relates to K-12 education. And my colleague Senator Krueger mentioned this, that we only put in about $217 million for K-12 education. And we put $250 million for private schools. And we do a significant amount for charter schools.

I'm not anti-charter. I actually like the notion of charters. We should continue to do charters. In fact, I was part of the Democratic majority in this body that adjusted and reformed charter schools in this state and increased the cap in order for us to win the $770 million for Race to the Top. Right? So, you know, this is not an anti-charter conversation.

However, you know, when we look at charters, they're a microsolution. And, you

know, I'm not trying to be diminutive. It's just when you look at the numbers, there are so few people -- you know, only so many young people in charters. In New York City we have 1.2 million school kids going to school tomorrow morning. Right? When we're leaving here, they'll be on their way to school.

(Laughter.)

SENATOR PARKER: But when we talk about charters, if we took every charter and put it in New York City, it would only be about 70,000 kids.

What are we talking about? How do you in fact put the same amount of money into 70,000 kids that you put into 1.3 million kids? It just doesn't -- you know, it doesn't -- it doesn't add up in terms of the needs.

There's also some other parts of this that don't quite jibe where we in fact give charter schools the ability to check off on collocations and don't give regular public schools those same kind of options in terms of collocations. These are things that we need to work out. And really, we've created a civil war in our communities over education. And it really

is one that we have enough strife in our communities that this is one that we certainly don't need.

And so I ask, as we go forward past this process of a resolution, that these are things that I would like to work with my colleagues in this house around correcting so that we can get it right when the actual budget gets brought to the floor.

But, you know, people in this house know that I am an avid and staunch -- avid, staunch, all of those things, all right, around Campaign for Fiscal Equity. Right? We don't really even -- you know, we started on the path of dealing with it. I've been somebody who said that we should in fact provide more money for high-need districts from Brooklyn to Bath to Brookhaven, you know, to Buffalo, across the state. And so I -- you're laughing. You don't think I know where Bath is?

You know, it's important that we provide for all the high-needs districts. And I think that we put money into CFE not just for New York City, although that's where the problem originally started. But I think that we have to

educate every single child in the State of New York, and particularly in high-needs districts.

And as much as sometimes I think there is a disagreement about this, we really know that there is a strong correlation between the dollars that we put into education and the educational outcomes of the young people across the state in terms of a sound basic education.

And so I'm hoping that some of these things that I'm pointing out give us an opportunity to reflect as we move forward through this budget process. I think there's a lot of good things in this budget, but I think it doesn't go far enough on a lot of things that are important, and particularly in education, which I think ought to be the number-one thing that we do.

It's kind of like, again, when we do your budget at home -- my father used to always tell me, "You pay your rent first. Because people may not know if you're hungry, but they always know if you're homeless." Right? And so you pay your rent first.

And we are saying that our

budgets are about our values. We pay for education first. And then we decide, you know, what else we fund.

I see young people coming up here fighting for dollars for education, dollars for TAP, dollars for Opportunity Programs and SEEK, and they're here with tears in their eyes talking about the opportunity that they've come to get. And they are pleading for help to reach that opportunity.

I have never seen a corporate executive in here with a sign talk about "Please give us tax cuts." But we give them tax cuts like this {snapping fingers}, just out of hand.

And this budget is replete with those things. I think that we need to continue to not put profits over people. I do think that we have to have -- you know, create jobs. But we have to also understand the real facts. And the fact of the matter is that large corporations do not make decisions on where to locate their corporations based on tax breaks. It's not what they do. They look for an educated and well-trained workforce, they look for housing, they look for infrastructure. And tax breaks are

way down on the list.

So that we ought to be investing in our workforce, giving them more skills, and not, you know, out of hand giving these tax breaks to large corporations.

So you ask me, Where do we get the money from, Senator Parker? I'm glad you asked that question. In the Governor's budget and that is carried over in this resolution that we are voting on tonight, the Governor is proposing to eliminate the stock transfer tax.

Some of you may remember that the stock transfer tax was a tax that was added to -- it's essentially a sales tax on the stock exchange. And it was added during the rough times in the '70s in New York City, and it was used to capitalize the MAC bonds. Now, the Governor's argument I guess is that, you know, now that the MAC bonds have come to maturity, that we no longer need the tax.

This is a common-sense thing that we ought to hold onto in order to fund important things in our state. Currently it's literally a cent and a half per share capped at $150 per transaction. So if you buy a million shares,

you're never going to pay more than $150 on a transaction. Right?

The beauty of the stock transfer tax is that 95 percent of the people who pay the tax don't live in the State of New York. Right? And some people say, "Oh, if you start taxing the exchange, they'll move to Jersey." And the day after they move to Jersey, Jersey will have a stock transfer tax.

Every major exchange in the world has sales tax on those transactions, every single one. And you don't have to take my word for it, you can take Nobel economist Stiglitz on his report that says we ought to be collecting some portion of it. I'm not saying collect the whole cent and a half. Let's collect 20 percent of it. If we'd have collected it last year, we'd have brought in about $18 billion to the state.

I don't know about you, but some of the things I think are important for the state could have used the extra 18 bill. But if we collected about 20 percent, we could have gotten upwards of $3 billion in the state. That's more than enough to fund CFE and many of the other things. We might not even need to do casino

gambling in the state.

And so this is one of the things I'm hoping that we will look at as a revenue option as opposed to what we are currently proposing in the budget.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Stavisky on the resolution.

SENATOR STAVISKY: I'm sorry, on the resolution. I apologize for the oversight.

There are a number of issues here that I think are important. There are some good things in the resolution, without doubt. But let's take a look at some of the higher ed issues.

Starting with the City University of New York, there's a provision where, under the capital projects, City University of New York, the four-year colleges receive an additional $700 million for strategic initiatives. A similar appropriation is there for SUNY. And the

SUNY appropriation has a provision for the community colleges, but there's no provision for the community colleges at CUNY.

Secondly, this resolution denies the $8 million for the STEM scholarships. In an increasingly technological society, to provide what ought to be provided, we ought to be providing funding for the science, technology, engineering and math subjects.

In the Article 7 language, Part 5, under Senate 6357B, as Senator Krueger indicated, the Senate advances language to increase the maximum TAP award. But it advances the language without the money.

If you take a look at Part 10 in the same bill, the Senate advances language that allows for prepayment or for programs similar to the 529 College Fund. We tried that with New York Helps a number of years ago, and it didn't work out.

If you take a look at the Homeland Security and Emergency Services Division, there's an appropriation or a modification of the Executive's recommendation of $137 million for a College of Emergency Preparedness in Syracuse.

But SUNY has two programs already existing for emergency preparedness, one at the State University at Binghamton, where they have a graduate program in disaster management certificate, a graduate program already existing. And at the University of Buffalo they have a world-renowned program called MCEER at the University of Buffalo, which was originated by the National Science Foundation and receives a great deal of support from federal agencies.

So much as I respect Syracuse -- I think it's a a wonderful institution, the best, since Senator DeFrancisco and I are both alumni. However, I think we ought to be supportive of our existing SUNY campuses.

Under the State University budget and the state operations, they restore $18.5 million for SUNY Upstate and Stony Brook Hospitals. But I say to my friends, you forgot to include Downstate. They are experiencing some difficulties also.

There's some vague language here also. In the Article 7 proposals in Part S and Part T, the Senate advances language requiring SUNY to report on economic development

activities. And they advance language to study university centers. We don't need to advance; we need to sustain and improve.

Part Y of the Article 7 talks about advancing language to develop additional workforce development opportunities to target unemployed populations. I have no idea what that means.

Part Z, advancing language to work in conjunction with SUNY to develop an accelerated proficiency degree. And the Article 7 in the same bill talks about modifying the Executive proposal to limit participating nurse practitioners to only three areas, of primary care, mental health and women's health. And if you take a look at the scope of practice issues that limit what a nurse practitioner can do, we are limiting them to three areas when they have a whole wide range of areas where they can practice their craft and help people.

The same Article 7 language, the Senate accepts the Executive proposal to extend the HECAP program for three years. HECAP is a matching fund for private institutions to construct buildings. And where's the funding?

They're about to run out of funds.

So these are some of the concerns we have in the higher education budget. And let me add that the DREAM Act is extremely important to so many, many young people. It's an opportunity, it's an investment. And as someone whose district includes 55 percent Asian-Americans, on their behalf -- they are here, they're living throughout the state, and they deserve the same opportunity for advancement as everybody else.

So again, I thank you, Mr. Speaker -- Mr. President. And it seems to me that I would not be making these mistakes if it were not 1:30 in the morning.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stavisky.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: I hope I can get up.

Thank you, Mr. President. I rise to speak on the resolution.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson on the resolution.

SENATOR HASSELL-THOMPSON: Thank

you.

Under the heading of judiciary, the comment that I would like to make is that while the Senate concurs with the Executive's recommendation of $1.75 billion, it's with the belief that $17 million of this increase for indigent legal services in New York City should be reduced for the purpose of staying within the Executive's recommended cap of a 2 percent spending increase.

The Coalition proposal in this matter is a direct attack on the case cap relief that was codified in 2010. Case caps, for those who may not be familiar, is a term that's used to describe the numbers of cases that the New York City public defenders carry at any given time.

The necessity for case caps was a significant issue in the Kaye Commission's report to the Legislature and a major legal issue in the Hurrell case now pending in our courts. What Hurrell says is that New York State is in violation of an individual's right to effective counsel. In other words, Hurrell argues that New York State violates Gideon v. Wainwright.

The 2010 legislation provides that

case caps be phased in during a three-year timetable. This year's OCA budget represents the final phase of funding that's necessary to place case caps in constitutional compliance. I recommend, therefore, that we support the OCA budget as presented and reject the Coalition's proposal, as it seeks to undermine the constitutional right to effective counsel.

Under the Article 7 proposals, Part K, the Senate advances language citing the presumption that the possession of 50 or more individual packets of heroin and/or an amount of heroin with an aggregate value of at least $300 is possession with intent to sell, making it a B felony.

Currently when we speak of what makes a drug charge a felony or a misdemeanor, we look to the Penal Law. And historically the Legislature has made that distinction based on weight. Penal Law 220.16 spells out the kinds of drugs and the weight necessary to make possession a felony. The Coalition proposal changes this time-tested standard from weight to packaging and the presumed value of the drugs possessed.

I ask that we reject this proposal

because the value of drugs changes from street to street, city to suburb, making the concept that you're proposing subjective. Using the number of packets, although valuable at first glance, fails to objectively tell us who is really selling and who is really using, thus perhaps making a misdemeanor conduct a felony.

I appreciate the well-intended need to respond to the high rise in heroin use and overdoses. But this knee-jerk response is inconsistent with well-thought-out public policy that that body has developed.

Under the creation of gun offense and violent felony offender database, to me it's just another word for registry. Because currently the Office of Court Administration has a judicial responsibility to record all criminal convictions in the State of New York. They know how many people are convicted of violent felonies and nonviolent felonies. They know how many people are convicted of gun charges, misdemeanors and felonies. The Department of Corrections and Community Supervision also knows what each inmate is convicted of and what the sentencing is that they receive.

Thus, why spend $2.5 million when we have two major institutions which already possess the information that this proposal asks for? Why 2.5 million? Just think how many pre-K programs we could fund with that money.

I do not understand why a duplicate database is needed. And I want to know who wants the database, who will have access to it, and for what purpose do they intend to use it. I do not believe that the case has been made for this budget item, and therefore I ask that we reject it.

Under the Division of Criminal Justice Services, a $5 million matching grant for the School Resource Officer Program. I support this budget request, with the caveat that this program be required to incorporate cultural sensitivity training for all school resource officers, especially given the incident which occurred a few weeks ago between the Mahopac and Mount Vernon basketball teams and the behavior of the police in that situation. I believe that cultural sensitivity is needed more now than ever.

My final concern with this budget is

that the Coalition budget rejects Governor Cuomo's proposal to provide college courses to inmates in 10 of our state prisons. Governor Cuomo's proposal talks about investing $5,000 to save the taxpayers $60,000 a year. That's the cost of housing a person in the state prison today.

The $5,000 investment makes sense to me primarily because if you look at the statistics of recidivism in the general population, you will find that that recidivism rate is at 40 percent. For those who have gone through the existing programs that Bard already provides in our prisons, we're finding that the recidivism rate for that population is 4 percent.

Imagine making a wayward person an enlightened person. Just imagine reducing crime and making our streets safer. The Governor's proposal is smart. The Governor's proposal is fiscally prudent. Rejecting this proposal is not smart, nor is it fiscally prudent.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Hassell-Thompson.

Senator Smith.

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

And I too, as my colleague Senator Parker indicated earlier, want to --

ACTING PRESIDENT GRIFFO: Senator Smith on the resolution?

SENATOR SMITH: On the resolution.

ACTING PRESIDENT GRIFFO: Senator Smith on the resolution.

SENATOR SMITH: -- want to thank the staff on both sides, all three staffs, for the effort and the work that they put in. As one who had the opportunity to negotiate and put together several budgets, I too understand the time and effort it takes from you and your family.

And I also understand what this one-house resolution means, given that we still have some ways to go as it relates to our mothership, as it relates to negotiations with leadership, with the tables, chairpersons, the Mayor's office in New York City, mayors' offices around the state, and the like.

There are a number of items in this one-house that represent a lot of effort and

thought went into this, a lot of effort to try to accommodate everyone in this room. And while we don't have 63 members, we do have several ideologies that require massaging to the extent that they feel they've been heard.

Higher education, you have $700 million for a strategic initiative for four-year campuses. That's a good idea. Under criminal justice, there's the new program called GIVE, which is also aligned with the program called SNUG, that provides some incentive for public safety. That's a good idea.

There was language about campaign finance. I do understand that that has been vague, only because this is a resolution that represents the beginning of a process. So that is one of the first steps towards what could be a tremendous accomplishment for this body.

Environmental conservation, the Environmental Protection Fund, up to $200 million, an additional $43 million. That's a good idea.

Many people talked about UPK, $540 million, we talk about for five years. That is also a good idea.

Some have challenges with the charter school concepts that were placed in this resolution. I think they were placed fairly. An I also believe the intention of making sure that our public schools have similar coverage for expenses as it relates to assisting our young people will be in the final product. So I too think that's a good idea.

AIM funding, something that we have not gotten for quite some time in New York City. Something that we've asked for for quite some time. I see $200 million. I believe the Mayor's office, who I had a slight conversation with, think that is also a good idea.

Under health, which is particularly important to the district that I represent, given the number of hospitals that have closed, you have a $1.2 billion capital restructuring program and also, which I think is creative, a private equity demonstration project providing private equity into healthcare facilities. I think that is also a good idea.

I'm glad to see that there is restoration around Neighborhood Preservation Programs, Rural Preservation Projects. That is

important. Happy to see there is an Affordable Housing Task Force for underutilized public property, which I think is a good idea.

Mitchell-Lama 2020, I'm sure Senator Ruth Hassell-Thompson, as I do, along with Senator Sanders, who has a number of Mitchell Lamas in our area, think that is a worthy concept to pursue.

Our family judges, Family Courts in particular, neighborhoods of color need more family judges. As you know, Judge Lippman, this is one of his star concepts that I think also is a good idea.

Increasing the threshold for individual taxpayers who need to file, which will reduce that number, I think is a good idea.

Enhancing the Youth Work Tax Credits, while some may think it may challenge those who look for employment, I think also is a good idea.

Angel Investment Tax Credits to encourage small business investment, smart, makes sense, helps employment. Another good idea.

College graduates. Being allowed to take 5K of their personal income tax to use for a

down payment for their home at some point in the future. Sensitive good idea.

Additional tax credits for businesses located in incubators. Also a long-term challenge, but a good idea.

With that in mind, allow me to share some thoughts that I have that might be a good idea, something that I hope you will think about as we go forward.

Senator Peralta, Senator Espaillat talked about the DREAM Act. Twenty million dollars perhaps was the cost of that idea, less than 2 percent of what TAP would cost. I do hope -- and I'm encouraged by Senator Klein's effort to put the DREAM Act in place. I would submit to you that is also a good idea.

You denied the SHIN New York program, which is State Health Info Network, a $55 million idea. I would ask your consideration to restore that, in particular because of the number of hospitals in the district that I represent in Queens that we have lost, four. I would hope you would revisit that.

Kevin Parker I think talked about the homeless. We think that is good idea.

Tax credits for renters. Depending on your geographic location, it may be a little challenging to understand the significance of what that does for young people who are coming out of college and may receive an income that does not give them a fair amount to purchase a home. That personal renters tax credit I believe is a good idea.

Thruway Authority. For those who understand real estate development and construction, you took away the design/build portion of that. And as you know, we go forward with what's hoped to be an infrastructure bank that Senator Fuschillo was working on before he left. I hope you will recognize the prudentness of this concept. And that too is a good idea.

Senator DeFrancisco, let me congratulate you on the time and effort your staff put in. Senator Liz Krueger, let me congratulate you on the effort and time that your team put in. Senator Klein, Senator Valesky, let me congratulate you on the time that you put in.

I do hope in reviewing the transcript that you recall the number of items that I expressed as a good idea. The ideas that

I expressed to you wasn't expressed out of emotion, wasn't expressed out as a challenge to say there was a deficiency in anyone's effort. It was simply expressed to you as a logical concept that has come about through tremendous deliberation, as I said during the Finance Committee meetings with Liz and Senator DeFrancisco, 90 percent of them through the entire time.

So the suggestions that I offer is an amalgamation of not only the Minority but the Majority and the Independent Conference. Which means that if you put all three together, you come up with a concept that is also a good idea.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Smith.

Senator Krueger.

SENATOR KRUEGER: Thank you very much, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger on the resolution.

SENATOR KRUEGER: Oh, excuse me, the resolution. That's right, we are still looking for those bills that don't exist,

apparently.

So my colleagues brought up so many important issues, but some still were not covered. But I just want to go back for a minute to highlighting we don't have budget bills, we have vague language in a 55-page resolution that we got way too recently. My colleagues say that this proposed spending plan adds up, but it doesn't.

I just wanted to highlight the capital. They say there are no adds to capital, there are $234 million reductions in capital. And yet when I go through the capital section of the resolution, while I do find out that it zeros out capital money for parks -- which I have to say disturbed me immensely, we zero all out all capital funds for our park system.

And it cuts, as Senator Toby Stavisky highlighted, two $55 million capital proposals, one for SUNY, one for CUNY. And I agree that was wrong to cut those. But she pointed out it appears in the resolution we have these other lines, $700 million in new capital for CUNY, I think 1.2 billion new capital for SUNY. Well, I would think everyone would be very

excited about that. I got calls from colleges just earlier this evening saying "Oh, my God, we are so desperate for capital."

Except by my colleagues' own financial plan that attaches to their resolution, they don't have any money there. They just have lines without the money because they don't add $2 billion for capital for our higher education universities. So I don't know why it says we're adding it when we're not. Just continuing my theme of things we say we're taking care of -- TAP, EPIC, more funds for public education -- but we're not.

And in fact, we're living in a state where 69 percent of our school districts are operating with less state aid than 2009-10, five years ago; 62 percent have less state support than in 2008-2009. We have school districts laying off teachers. We have school districts maxed out on any previous revenue they might have been putting in a rainy day fund for problem times.

But charters, which in fact are getting more money than public schools as increases, charter audits show that the state's

charter schools are sitting on more than $135 million in cash and $188 million in restricted net assets. That's all taxpayers' money. They're sitting with these huge bank accounts, but this plan gives those 3 percent of students in those schools more than the 97 percent of students in school districts throughout the state who are desperately hurting for funds. I don't get it.

And on top of that, in this resolution we have this fascinating 100 percent tax credit for the wealthiest New Yorkers that we're calling an education tax credit. And we even have a lot of religious school and private school parents out there convinced that this is going to help their kids. It's not. It just allows the wealthiest people to write off 75 percent of what they owe the State of New York, dollar for dollar, and give it somewhere, perhaps the wealthiest school in the state.

And I can guarantee you that money will all be used up by 10 to 15 people zeroing out -- oh, excuse me, 75 percent zeroing out their tax bill for years to come. At the same

time as we're seeing so much suffering going on in our public schools.

And then in this resolution also, we've developed the fascinating and I would even argue radical notion from my colleagues that after years of supporting mayoral control for New York City -- even at times where I had difficulty supporting the language of bills we passed in this house providing perhaps too much power to the mayor of New York City -- so with all the support we always had, suddenly in this resolution we're taking that power away from this mayor when to comes to charter schools.

This language would require school districts to permit any charter school using a school district building to use the building without cost, even if they've got hundreds of millions of dollars socked away in excess assets. Even if in my own district, not a poor district, we have had to suffer waiting lists for kindergartens.

This resolution would require the City of New York to provide facilities aid to those charter schools that are adding grades, opening new charters, who lose use of public

school districts. But if we can't do it for the public schools, why should we be making the mayor do it for the charter schools? Which, again, serve a small percentage of the total number of children in New York public schools.

It would authorize charters approved by the Department of Education to apply to any charter entity for oversight and supervision. We're supposed to ensure, under law, that New York City has the ability to review, authorize or disapprove individual charters because it's public education money and they are responsible for education, whether it is in a charter or any other type of public school. But suddenly we take away that power from them just for charter schools.

It would require that an authorized charter school must consent to any significant change in collocation arrangements, including any collocation arrangements approved before 2014. Well, if you come from New York City you know about the fights over land use, you know about the fights over space in schools. It is a very delicate balance. You have to ensure that the City of New York has the ability to make its own

decisions and the right decisions for 100 percent of the schoolchildren in New York City and not to give special exemptions for charters.

There are so many things that are wrong here, or unknown here. There's a slew of items with no explanation, no amount of money, vagaries such as the campaign finance reform, that discussion that my colleague led before. I do think it's fascinating, while there's no details on campaign finance, there is a detail here cutting the funding for the Moreland Commission so that it can't continue its work when it's investigating what we do here. That we're going to cut the funding for, we know, but we don't know exactly what we'll do about the Governor's proposal for campaign finance reform and stronger investigative authority by the Board of Elections.

We are cutting the actual money for Mitchell-Lama preservation, but we have this fabulous dream list of every other housing capital program -- oh, yeah, we don't have them in the capital plan either that was offered here tonight, and we don't really have the money. But it's nice that that's a glorious proposal without

money while the one line item for capital for improving Mitchell-Lamas is cut.

We have a proposal to expand VLTs on Long Island by double the amount currently, to create two casinos, one in Kennedy Airport and one in LaGuardia Airport. We don't actually own those. We'd better check with the Port Authority; just curious. But nonetheless, I can guarantee you any time you increase the casinos in the Long Island/Queens area, you're decreasing the take from the existing sites in the New York City area.

And I'm just really curious because I thought for sure we just all agreed -- even if I didn't, we all just agreed to four casinos upstate, not in New York City or Long Island. But here we are radically expanding VLT casinos in this one-house resolution in New York City and Long Island.

And even though I'm highlighting that we have to explain where the money is coming from and this proposal doesn't, we could have explored billions of dollars of tax expenditures we never evaluate, have been documented as to not be in the best interests of the people of

New York, and yet year in, year out, budget resolutions, budget bills, we never ask the hard questions about why are certain people not having to pay their taxes when other people do.

So at best, this is a shopping list with no budget legitimacy. More realistically, it's a classic Albany scam designed to make everyone think they should be happy without answering any of the important questions, like how will I pay for this.

I've been here since 2002, I've learned a lot. But one thing I've learned for sure, no question about it, is that when a complex yet detail-free proposal comes out late in the day and you're told you're going to come to the floor to vote for it late at night or 2 o'clock in the morning when the public and the press are asleep, you know you're being fed something really fake and filled with poison pills.

Now, the good news is this is just a one-house gimmick and not the actual budget. And you can safely assume it is both a gimmick filled with poison pills. So I'll be voting no. I hope my colleagues on both sides will recognize they

should vote no. Of course everyone's hoping the press doesn't notice who votes what.

And I hope that when an actual set of budget bills come to the floor of this house in the next couple of weeks, we and the people of New York have an opportunity to review those budget bills, real bills with real numbers attached, with adequate time to understand what's in them and what's not in them. Because that isn't what happened here tonight.

I vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

I think that you've heard my colleagues speak very, very eloquently about what is and is not in the resolution before us. And I too want to thank all of our staffs for working so hard. Clearly the Majority Coalition spent a lot of time trying to create what at this point, frankly, is a wish list for New York State.

And certainly the colleagues on our side -- who received this at around 5:00 -- worked our staff very, very hard in order to get

the analysis so we would be able to stand here and discuss the various areas that we discussed.

Clearly there are things we all wanted to see, and we are happy we see them. Clearly UPK was one of those things. The mayor for New York City, Mayor de Blasio, certainly put that on the map. And you heard Senator Parker say that this has been something that has been ruminating for quite some time. Our conference stood steadfastly for UPK and its inclusion as well as a sustained way to pay for it.

The beginning is here. We're not sure, based on what we've had an opportunity to look at, exactly how much is coming from where. That I'm sure will be fleshed out in the next two weeks.

The campaign finance reform which we cared so much about is kind of in here. I think that Senator DeFrancisco in a -- I won't say a rare moment of frankness, because he is always frank and straightforward, was very clear that this was not really what we'd like it to be. It is a declaration that we'll talk.

In fact, what he said I think dictates what we all feel in the absence of bills

that go along with this list of things we'd like to do. What he said is: "Whatever is in the bill, if anything, it will be no clearer than what is in this resolution." I want you to hear that. "Whatever is in the bill, if anything, will be no clearer than what is in this resolution."

So today we stand here talking about great things for New York and wondering still how we're actually paying for it and what it really means, because right now it's just not clear. It's not clear that we are spending more for education for everybody in this state, which we all care about, than for the 3 percent of children who go to charter schools. It's not clear when we defund, say, even a Mitchell-Lama program and we say that we're going to pay it from other funds that we're not really clear where they're coming from, that it will happen.

And frankly, as one of two Senators who represent the City of Yonkers, it's not clear how we as a legislative body, for example, can advance language for mayoral control without including the stakeholders in the city or the parents or anybody else. In New York City it

took years of discussion. And I think that certainly Yonkers deserves no less.

We have micro, we have macro. And we've got only two weeks. There have been discussions certainly among the Majority Coalition. The next two weeks will hopefully allow all of us to look at what we are presenting to New Yorkers, how we're going to cut their taxes, how we're going to grow their economy, how we're going to really support education from pre-K to grade 16, how are we going to help the Dreamers, how are we going to sustain our healthcare system, what are we going to do, really, about criminal justice, what are we going to do collectively to advance the fortunes of New Yorkers.

This is not that place where we can say "well done." This is the beginning. This is, again, a listing of things all of us, some of us, none of us may like to see. As my friend Senator DeFrancisco said, this actually is something that says "Let's talk." I hope in the next two weeks we will. At this point, however, because of the vagaries and the lack of language and explanation and the money trail and all the

things I've discussed, today I'll be voting no.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stewart-Cousins.

Is there any other Senator wishing to be heard on the resolution?

Senator Klein on the resolution.

SENATOR KLEIN: Thank you, Mr. President. I appreciate the opportunity to speak on the resolution.

It was three months ago that the Independent Democratic Conference put forth a bold plan to make New York affordable. I believe still our New Yorkers deserve more. Every resident of this state deserves to live not only in safety, but in comfort, and have financial security.

We also talked about the fact that the middle class around our state is constantly getting squeezed out. You know, I grew up in the Bronx in a two-family home. I'm very proud of the fact I grew up with my grandparents in the same home. I watched my grandfather and my father work very, very hard. But, you know, government had a very positive place in their life then. Even though they worked so hard, they

were able to afford a home, a decent apartment, put money aside for my education, even put some money aside for retirement.

But unfortunately, the good old days are just that. They're fond memories. I think we have to change the dynamics. When we talk about helping New Yorkers, it really is in some cases the forgotten middle class. I think we've got to make New York a place where people can not only afford to live but create real-time prosperity and security.

This is something that I think is crucial. We have to be committed to making New York more affordable for all of our families. And I think it starts with making it more affordable to raise a family in New York. We all know friends and family members who can't afford to take one, let alone three months off from work without putting their household budget in serious jeopardy. That's why this resolution today puts forth a statewide paid family leave program that would allow New Yorkers to receive up to half their weekly wage for up to six weeks in a year.

That's why we should restore the Child Care Block Grant which is contained in this

resolution, the block grant subsidies, to $1 billion, as well as expand the Facilitated Enrollment Child Care Subsidy to $100 million.

That's why I think we make a bold commitment and we heard Mayor de Blasio's call to have a dedicated funding stream over five years for universal pre-K. We need to fully support universal pre-K right now. And I think that everyone agrees, especially when it applies statewide, but certainly in my city, in New York, where 54,000 4-year-olds will now have full-time universal pre-K.

We know the benefits, that if a student gets universal pre-K, that their life is automatically improved. Better education, better jobs. Less likely to have problems with drugs or the law. This is the type of commitment that we need to make in this year's final budget.

I know after that child grows up they still have some problems when it comes to things like college. That's why we put forth a new plan to make college affordable to all by freezing or fixing a preset rate for college tuition and allowing individuals to pay in as much as they can to make sure, when their child

grows up, they not only have an affordable rate for college but the money there to achieve the dream of a college education.

I think it's very, very important that we also recognize that we need more middle-class, more affordable housing across the State of New York. That's why I want to bring back the Mitchell-Lama program. The Mitchell-Lama program was the greatest housing program ever created in the State of New York. It allowed all income levels to live under one roof and to make sure that we don't push out the middle class but welcome the middle class and working-class people to have decent, affordable housing. The way we're going to do that is to bring back an innovative middle-income tax credit so those Mitchell-Lama developments won't be priced out, as was the previous housing stock, but remain moderate, middle-income housing for not only this generation but future generations.

I think all of this has to be applied to our senior citizens. I think we have a commitment to make sure that it's supposed to be affordable for senior citizens to be able to retire in New York. Unfortunately, that's not

happening. So in this budget we expand the Elderly Pharmaceutical Insurance Coverage, known as EPIC, a wonderful program. But the income level is still too low for many senior citizens to be able to buy into the program. You know, when you're a senior citizens and you're making $40,000, $50,000 a year and you're using four or five prescription drugs and paying high copays, that money goes very, very quickly. So I think it's important that we allow even middle-income seniors to take part in the EPIC program.

The other thing we're doing for senior citizens, especially in localities like Nassau County, New York City, Westchester County that have a tremendous program called the Senior Citizen Rent Increase Exemption, known as SCRIE. What it does for senior citizens at a certain income level -- and we're going to increase that income level to $50,000 -- it freezes their rent. Every senior citizen should have the ability to have peace of mind that their rent isn't going to skyrocket, that their rent is not going to spiral out of control and cause them to lose the only home they know. So I think, all in all, this is something that we can be proud of in making sure

New York is affordable.

We also in this budget have a commitment for campaign finance reform. I think we all know the headlines of bad behavior of public officials that push voters' tolerance level way past dismay on to disgust. Money is an issue that makes some uncomfortable to talk about, but if we're going to get serious about comprehensive and meaningful campaign finance reform, it is money we've got to address head-on.

We have to take the excessive money out of the political process that includes not only dealing with bribery and corruption but the entire way the electoral and campaign finance system is presently run. We have to make sure we establish clear money trails with greater public disclosure that would expose blatant conflicts of interest.

I think, all in all, we have a duty to enact a public finance system for all candidates for statewide office, as well as State Senate and Assembly, which would level the playing field and give those with a passion for public service an honest shot at holding office.

I think we made a very, very

important commitment that by moving forward we need to ensure that we are not giving out corporate tax cuts at the expense of the middle class. Make no mistake, we have moved hard in recent years to incentivize business to move here and to continue to create jobs. But I think it's up to us now to reinvest in the working class.

Again, I want to thank my colleagues for staying around in this long hour. But I think today we send a very clear message that we can ensure a strong economy tomorrow by strengthening New York's middle class today.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Klein.

Senator Skelos to close debate.

SENATOR SKELOS: Thank you, Mr. President.

When the Governor presented his budget, I indicated that it was a good blueprint to work off of. I think the job of our conference, working with the Independent Democrat Conference, the good work of Finance staff and counsel staff and Senator DeFrancisco, we've come up with a resolution that indicates the direction

that this coalition wants to go in to continue to make New York State more affordable.

And I'm not going to go through all the aspects of the resolution because I think Kelly's already put out my press release, so I don't want to keep people here any later.

(Laughter.)

SENATOR SKELOS: But it is a good blueprint. There will be changes to it, there will be modifications to it. That's the give and take between the Assembly, the Senate and the Governor. But I'm optimistic, if we all work together and continue to work together on a bipartisan basis, that we will once again have an on-time budget, hopefully an early budget, and a good budget. Thank you very much.

I should point out that we will start conference committees on Monday. We will notify all the members what time, what conference committees they're on. I believe the general conference committee is going to be meeting around 12:00, 12:30, and then we will have our other subcommittees working.

So next week is going to be a long week, but it's going to be a very productive week

with all of our cooperation.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Skelos.

Debate is closed, and the Secretary will ring the bell.

The question is on the resolution. Call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: All in favor signify by saying aye.

(Response of "Aye.")

SENATOR GIANARIS: Show of hands.

ACTING PRESIDENT GRIFFO: A show of hands has been so requested and so ordered. Those in the negative, please raise your hand.

(Show of hands.)

ACTING PRESIDENT GRIFFO: Senator Young to explain her vote.

SENATOR YOUNG: Thank you, Mr. President. Just briefly to explain my vote.

As chair of the Senate Standing Committee on Housing, Construction and Community Development, I want to clarify that under the housing and community renewal oversight entities,

there is a reference to the Tenant Protection Unit which the Senate has denied funding to for the past two years. I just want to make it perfectly clear that this budget resolution does not contain any funding for the Tenant Protection Unit or any of their type of enforcement activities that would be related to that.

So thank you, Mr. President. I vote aye.

ACTING PRESIDENT GRIFFO: Senator Young to be recorded in the affirmative.

Senator Tkaczyk to explain her vote.

SENATOR TKACZYK: Thank you, Mr. President. I rise to explain my vote.

There are many positive elements in this budget resolution, but there's a lot of vague areas that have been discussed. I was happy to see language that included addressing funding problems facing Early Intervention providers and language that puts in place a new Community Mental Health Reinvestment Act.

However, these positive elements have been overshadowed by the complete lack of recognition of the dire financial situation facing our public schools. I was looking for the

Senate Majority to seek additional education funding that brought us closer to the Board of Regents' recommendation of $1.3 billion in additional funds that was requested by them. The Senate Majority only adds $217 million in new school aid on top of the Governor's proposal, which is much less than the Assembly budget added. This is nowhere near what is needed.

It is unconscionable we are proposing to not fund -- that we will not be restoring the majority of school districts to 2008 funding levels. Today more than 200 school districts are facing both educational and fiscal insolvency. Public school districts across the state are balancing their budgets at the cost of educational programs, and the high-need urban/suburban school districts and average-need districts have lost the most.

There is no good reason for the Senate Majority to continue this trend. I vote in the negative.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Tkaczyk to be recorded in the negative.

Senator Flanagan to explain his

vote.

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

And I want to compliment my colleagues for the collegiality and the camaraderie displayed during this discussion. But I also want to make sure that there's some clarity on some facts.

The Senate Majority, not only today but in the past, certainly in the last three years, has been an outspoken advocate for schools in every community across the State of New York. This budget builds on what the Governor offered. We add five times more than the New York State Assembly does on the restoration of GEA. And everyone in this room has heard from their school districts, that is their number-one priority.

We take the Governor's $323 million, add $217 million on top of that. We provide flexibility in the form of pre-K in the amount of another $145 million. So we add well over $300 million for school districts, with flexibility on GEA, allowing them to make investments, allowing them to reduce their property taxes. We put $20 million in for

Teacher Centers. We take away the data freeze that's about $50 million to our school districts that they would lose otherwise. We provide a Building Aid recalibration that will save them tens of millions of dollars. We provide new money for libraries. We add money for nonpublic schools. There are a litany of things that are in this budget.

And the way we've done it is to repurpose a lot of the money that the Governor advanced, come up with some new ideas, and provide flexibility to districts while driving more money to them. This Senate Majority is not going to take a back seat to anybody in terms of proper funding of education in the State of New York.

The Assembly is looking at Foundation Aid. I respect that, although I don't agree with it in total. We will have fruitful discussions. But no one should walk out of here thinking that we have not driven the bus in the right direction in terms of financing of education in the State of New York.

ACTING PRESIDENT GRIFFO: Thank you. Senator Flanagan to be recorded in the

affirmative.

Senator Grisanti to explain his vote.

SENATOR GRISANTI: Thank you, Mr. President.

You know, to add on what Senator Flanagan was talking about, that's absolutely correct. In our district, Western New York, that's all we heard about, was GEA. We went ahead and increased the funding to eliminate the GEA to help our schools. The Assembly did nothing. The Assembly did nothing. So talk to your Assemblymembers about what it means about as far as helping out school districts.

We advocate in this budget for the educational tax credits that's going to help all schools. We also have money in there for apprentice programs that's going to help people that don't go to schools to get jobs in other fields.

On top of that, we rejected the state funding for the inmate prison programs. Okay? Instead, we increase TAP for law-abiding citizens. That's what we need to do. We need to give the money back to the taxpayers, those that

are fighting for college. The middle-class New Yorkers across the state that can't afford college, we increased TAP. We did not go ahead and give it to prisoners. What we should do is actually spend money on the programs to stop them from going to prison in the first place, rather than having a college degree while you're in prison and you're not going to get out for 20 years.

We help our SUNY infrastructure system. We help our community colleges. We protect our 853, 4201 schools. We go ahead and increase EPIC for our seniors. We restore funding to host communities for the video lottery terminals that was cut by the Senate Democrats back in 2009 and 2010 except for Yonkers. We have additional aid in transportation. We put in a Public Assistance Integrity Act better than what the Governor had that, once again, gives the taxpayer money back to the taxpayer so the taxpayers are not spending their money on having the EBT cards used for alcohol, tobacco, going to the casino and going to strip clubs. If that's what you want to spend your money on -- but not taxpayer money.

We went ahead and increased historic preservation tax credits. We give tax credits if you hire somebody that's developmentally disabled, something that's been missing for a long period of time. There's LOSAP language to help our volunteer firemen. There's an asbestos remediation tax credit.

That's all I heard for the past two hours sitting here, was all the negatives in the budget. That's the positives. There's many more to go. There's many, many others. We protect taxpayer dollars. What we do, we give the money back to the taxpayers, let them spend the money how they see fit while protecting our schools and having a better business climate for New York.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator Grisanti to be recorded in the affirmative.

Is there any other Senator wishing to be explain their vote?

Senator Parker.

SENATOR PARKER: Thank you, Mr. President. To explain my vote on the resolution.

There's one other thing that's going

on. We've had over the last week significant debate over Common Core and the Regents and all of that. There's something else going on too that we should pay attention to, and that's the elimination of the GED. And there's the introduction of the TASC, the Test Assessing Secondary Completion.

And similar to what's happening in Common Core, frankly, the state is not ready. The state is not ready for this. And there's really going to be a number of people, hundreds of people who fall through the cracks educationally if we don't do something about this.

I'm proposing that we do in the budget this year a moratorium on implementing of the TASC as well as providing significant training for the proctors and teachers who are going to be teaching it and providing guidance and counseling on this important test. We have to provide every opportunity for every New Yorker to get a proper education. And certainly we need to -- in the same way that there's some concerns about the Common Core, there's certainly a lot of concerns about the implementation of the Test

Assessing Secondary Completion exam.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson to explain her vote.

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

I would hope that in all of these negotiations that you pay very close attention to the issues that I've raised regarding the OCA budget. But certainly all of us are looking forward to having more Family Court judges. And I hope that we won't throw out some very needed practices that we have tried to institutionalize in an attempt to shortcut the needs of our courts.

We are not properly representing or having good representation in our courts, and we need to ensure that the OCA budget continues to reflect that need. We did case caps, now we need to do that in terms of the numbers of cases that judges have before them and increasing the number of hours for which the courts are open.

So those are things that I think that are very important that have not been spoken about tonight in this budget except by me.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Hassell-Thompson.

Senator DeFrancisco to close on explanation of votes.

SENATOR DeFRANCISCO: I just want to thank the kind comments of Senator Stewart-Cousins about my being forthright. I try to be.

I just wanted to clarify just a couple of things. As far as saying that the budget bills will be no clearer than the resolution that we passed today, I was referring to the one section concerning the financing and enforcement of election laws and that sort of thing. I think you're going to find a lot of clarity in the rest of the budget bills as we go through this process.

Secondly, I think the process is extremely important. This resolution may not answer everybody's questions, but I've been here too many years where we never got a budget on time -- I remember one on my anniversary, July 13th -- and it was just an impossible situation.

So maybe there are some sections with a little less clarity, but we're moving the process forward and there will be more clarity as we go through it to a final budget and a timely budget, which I think all of us want.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

Announce the results.

THE SECRETARY: Those recorded in the negative on Resolution 4036 are Senators Breslin, Dilan, Espaillat, Gianaris, Gipson, Hassell-Thompson, Hoylman, Kennedy, Krueger, Latimer, O'Brien, Parker, Peralta, Rivera, Serrano, Squadron, Stavisky, Stewart-Cousins and Tkaczyk.

Ayes, 36. Nays, 19.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Is there any further business before the house?

ACTING PRESIDENT GRIFFO: There is no further business before the house.

SENATOR LIBOUS: Mr. President,

there being no further business before the house, I move that the Senate will adjourn until Monday, March 17th, with the luck of the Irish, at 3:00 p.m., and intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Monday, March 17th, St. Patrick's Day, at 3:00 p.m., intervening days being legislative days.

The Senate stands adjourned.

(Whereupon, at 2:19 a.m., the Senate adjourned.)