

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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

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

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

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

13 ACTING PRESIDENT ROBACH: The
14 reading of the Journal.

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

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Libous.

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

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

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

15 (Response of "Aye.")

16 ACTING PRESIDENT ROBACH: Opposed,
17 nay.

18 (No response.)

19 ACTING PRESIDENT ROBACH: The
20 Resolution Calendar is adopted.

21 Senator Libous.

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

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

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

5 ACTING PRESIDENT ROBACH: The
6 Secretary will read.

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

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

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

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

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

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

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

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

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

1 enemy; and

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

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

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

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

22 "RESOLVED, That this Legislative
23 Body pause in its deliberations to memorialize
24 Governor Andrew M. Cuomo to proclaim March 13,
25 2014, as K9 Veterans Appreciation Day in the

1 State of New York; and be it further

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

6 ACTING PRESIDENT ROBACH: Senator
7 Tkaczyk on the resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (Standing ovation.)

25 ACTING PRESIDENT ROBACH: Senator

1 Libous.

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

9 ACTING PRESIDENT ROBACH: The
10 Secretary will read.

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

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

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

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

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

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

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

20 She was born on the Eastern Shore of
21 Maryland around 1820 on a plantation in
22 Dorchester County and escaped from slavery in
23 1849. Upon gaining her freedom, she initially
24 settled in Philadelphia, where she met William
25 Still, the Philadelphia "stationmaster" of the

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

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

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

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

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

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

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

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

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

25 As the recipient of two Harriet

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

6 Thank you.

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

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

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

14 (Response of "Aye.")

15 ACTING PRESIDENT ROBACH: Opposed,
16 nay.

17 (No response.)

18 ACTING PRESIDENT ROBACH: The
19 resolution is adopted.

20 Senator Libous.

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

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

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

3 ACTING PRESIDENT ROBACH: The
4 Secretary will read.

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

10 ACTING PRESIDENT ROBACH: Senator
11 Montgomery on the resolution.

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

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

25 Dorothy Stoneman is the founder and

1 the CEO of YouthBuild USA, Incorporated, the
2 national support center for more than 273
3 YouthBuild programs in the United States. And
4 she is the sponsor of YouthBuild International,
5 which has generated 102 YouthBuild programs in
6 14 other countries, including Mexico,
7 South Africa, Haiti and Israel.

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

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

1 YouthBuild.

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

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

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

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

1 Women's History Month.

2 Thank you, Mr. President.

3 ACTING PRESIDENT ROBACH: Thank
4 you, Senator Montgomery.

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

8 Senator Libous.

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

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

15 The Secretary will read.

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

19 ACTING PRESIDENT ROBACH: Read the
20 last section.

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

23 ACTING PRESIDENT ROBACH: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT ROBACH: Announce
2 the results.

3 THE SECRETARY: Ayes, 55.

4 ACTING PRESIDENT ROBACH: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 182, by Senator Martins, Senate Print 4057A, an
8 act to amend the General Business Law.

9 ACTING PRESIDENT ROBACH: Read the
10 last section.

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

13 ACTING PRESIDENT ROBACH: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT ROBACH: Announce
17 the results.

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

23 Ayes, 48. Nays, 7.

24 ACTING PRESIDENT ROBACH: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 208, by Senator Skelos, Senate Print 1905, an act
3 to amend the Penal Law.

4 ACTING PRESIDENT ROBACH: Read the
5 last section.

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

8 ACTING PRESIDENT ROBACH: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT ROBACH: Senator
12 Squadron to explain his vote.

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

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

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

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

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

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

12 Announce the results.

13 THE SECRETARY: Ayes, 55.

14 ACTING PRESIDENT ROBACH: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 213, by Senator Robach, Senate Print 2510, an act
18 to amend the Penal Law.

19 ACTING PRESIDENT ROBACH: Read the
20 last section.

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

23 ACTING PRESIDENT ROBACH: Call the
24 roll.

25 SENATOR HASSELL-THOMPSON: Point of

1 order.

2 ACTING PRESIDENT ROBACH: Senator
3 Hassell-Thompson.

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

7 ACTING PRESIDENT ROBACH: Announce
8 the results again.

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

12 Ayes, 54.

13 ACTING PRESIDENT ROBACH: That bill
14 again is passed.

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

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

20 ACTING PRESIDENT ROBACH: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT ROBACH: Announce
24 the results.

25 THE SECRETARY: Ayes, 55.

1 ACTING PRESIDENT ROBACH: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 277, by Senator LaValle, Senate Print 2031A, an
5 act to amend the Education Law.

6 ACTING PRESIDENT ROBACH: Read the
7 last section.

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

10 ACTING PRESIDENT ROBACH: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT ROBACH: Senator
14 Hoylman to explain his vote.

15 SENATOR HOYLMAN: Thank you,
16 Mr. President.

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

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

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

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

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

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

16 Senator Hassell-Thompson.

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

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

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

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

8 Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

3 Thank you, Mr. President. I vote
4 no.

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

8 Senator Libous.

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

13 (Laughter; inaudible comment.)

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

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

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

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

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

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

16 (Laughter.)

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

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

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

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

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

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

17 Senator Gianaris.

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

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

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

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

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

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

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

23 Thank you.

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

1 the negative.

2 Senator Grisanti.

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

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

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

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

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

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

11 Thank you.

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

15 Senator Latimer.

16 SENATOR LATIMER: Thank you,
17 Mr. President.

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

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

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

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

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

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

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

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

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

18 Senator LaValle.

19 SENATOR LaVALLE: Thank you,
20 Mr. President.

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

1 about.

2 For so many years, up until the
3 1970s, the process really was done by agreement
4 of the Speaker and the Majority Leader, it was
5 done by concurrent resolution. There were people
6 in the early 1970s, including one of our former
7 colleagues, Senator Leonard Stavisky -- who was
8 chairing the Education Committee in the Assembly
9 at the time, and Senator Leon Giuffreda in this
10 house -- that said, you know, "We've got to
11 interview people." Senator Stavisky came up with
12 the idea of putting an ad in the newspaper.

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

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

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

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

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

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

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

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

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

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

16 I vote aye.

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

20 Senator Stavisky.

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

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

1 Assembly.

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

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

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

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

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

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

10 Thank you, Mr. President. I vote
11 no.

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

15 Senator Espaillet.

16 SENATOR ESPAILLET: Thank you,
17 Mr. President.

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

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

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

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

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

1 want to do about education.

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

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

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

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

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

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

11 Announce the results.

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

19 Ayes, 39. Nays, 19.

20 ACTING PRESIDENT ROBACH: The bill
21 is passed.

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

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

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

4 (Laughter.)

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

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

11 Senator Libous.

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

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

17 ACTING PRESIDENT ROBACH: The
18 Senate stands at ease.

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

21 (Whereupon, the Senate reconvened at
22 11:15 p.m.)

23 ACTING PRESIDENT GRIFFO: The
24 Senate will come to order.

25 Senator Libous.

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

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

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

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

15 (Whereupon, the Senate reconvened at
16 11:44 p.m.)

17 ACTING PRESIDENT GRIFFO: The
18 Senate will come to order.

19 Senator LaValle.

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

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

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

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

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

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

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

16 (Response of "Aye.")

17 ACTING PRESIDENT GRIFFO: Opposed?

18 (No response.)

19 ACTING PRESIDENT GRIFFO: The
20 report is accepted.

21 Senator LaValle.

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

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

1 SENATOR LaVALLE: Mr. President, on
2 behalf of Senator Marcellino, on page number 7 I
3 offer the following amendments to Calendar Number
4 22, Senate Print Number 3046B, and ask that said
5 bill retain its place on the Third Reading
6 Calendar.

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

10 Senator LaValle.

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

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

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO: Opposed?

20 (No response.)

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

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

25 ACTING PRESIDENT GRIFFO: The

1 Senate will stand at ease.

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

4 (Whereupon, the Senate reconvened at
5 11:46 p.m.)

6 ACTING PRESIDENT GRIFFO: The
7 Senate will come to order.

8 Senator LaValle.

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

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 282, Senate Budget Bill, Senate Print 6352, an
17 act making appropriations.

18 SENATOR GIANARIS: Lay it aside.

19 ACTING PRESIDENT GRIFFO: Lay it
20 aside.

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

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

1 supplemental calendar. That's Supplemental
2 Calendar 20A.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will ring the bell.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 282, Senate Budget Bill, Senate Print 6352, an
8 act making appropriations.

9 ACTING PRESIDENT GRIFFO: Senator
10 Krueger.

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

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

17 SENATOR DeFRANCISCO: Yes, I will.

18 ACTING PRESIDENT GRIFFO: The
19 Senator yields.

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

25 SENATOR DeFRANCISCO: Why would

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

3 (Laughter.)

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

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

11 SENATOR DeFRANCISCO: Yes.

12 ACTING PRESIDENT GRIFFO: The
13 Senator yields.

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

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

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

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

25 SENATOR DeFRANCISCO: Yes.

1 ACTING PRESIDENT GRIFFO: The
2 sponsor yields.

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

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

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

17 SENATOR KRUEGER: No.

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

21 (Laughter.)

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

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

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

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

16 SENATOR DeFRANCISCO: Yes.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor yields.

19 SENATOR KRUEGER: Thank you.

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

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

1 probably ought to be doing. But interestingly,
2 if he would continue to yield, there's one
3 section of the bill appropriating funds such as
4 the Local Government Assistance Tax Fund and the
5 Dedicated Highway and Bridge Fund, totaling
6 \$1.6 billion.

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

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

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

3 ACTING PRESIDENT GRIFFO: Senator
4 Krueger on the bill.

5 SENATOR KRUEGER: I appreciate my
6 colleague's answers.

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

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

20 Thank you, Mr. President.

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

23 Seeing none, hearing none, debate is
24 closed.

25 The Secretary will ring the bell.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: Just to
3 explain my yes vote.

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

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

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

20 Ayes, 55.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

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

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

3 ACTING PRESIDENT GRIFFO: The
4 Senate will stand at ease.

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

7 (Whereupon, the Senate reconvened at
8 12:19 a.m.)

9 ACTING PRESIDENT GRIFFO: The
10 Senate will come to order.

11 SENATOR LIBOUS: Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator
13 Libous.

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

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read.

20 THE SECRETARY: Senate Resolution
21 4036, by Senators Skelos and Klein, adopting
22 proposed amendments to the 2014-2015 Executive
23 Budget submission (Legislative Bills 6350C,
24 6353C, 6354C, 6355C, 6356C, 6357C, 6358C, 6359C
25 and Senate 6609A).

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

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

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

8 ACTING PRESIDENT GRIFFO: Senator
9 Krueger.

10 SENATOR KRUEGER: Thank you,
11 Senator Libous.

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

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

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

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

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

25 SENATOR DeFRANCISCO: Yes, I would.

1 ACTING PRESIDENT GRIFFO: Senator
2 Krueger.

3 SENATOR KRUEGER: Thank you.

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

7 SENATOR DeFRANCISCO: The financial
8 plan that I handed to you moments ago indicates
9 that the All Funds budget, the Executive has
10 142.706 billion in Executive Budget receipts, and
11 then the adjustments are shown in that first
12 column. And the state estimates receipts of
13 142.927 billion. And you can see that's
14 All Funds, and we have the same computation for
15 the State Funds, State Operating Funds and
16 General Funds.

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

21 So what it really boils down to, if
22 you take a look at it, is that we spend, on an
23 All Funds basis 182 -- excuse me. The All Funds
24 spending is \$137.4 billion, an increase of
25 1.5 percent over fiscal year 2014.

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

4 SENATOR DeFRANCISCO: Yes.

5 ACTING PRESIDENT GRIFFO: Senator
6 DeFrancisco yields, Senator Krueger.

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

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

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

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

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

1 yield.

2 SENATOR DeFRANCISCO: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR KRUEGER: The second page
6 of the chart I received shows net adds in
7 education of \$252 million. So I'm a little
8 confused how we're getting to the over
9 \$800 million. Perhaps it is because of the UPK.
10 And many of us delighted that we're all now
11 committed to fully funding UPK.

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

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

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

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

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

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

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

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

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

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

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

20 SENATOR KRUEGER: January 1, 2015?

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

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

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

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

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

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

16 SENATOR DeFRANCISCO: Yes.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor yields.

19 SENATOR KRUEGER: Thank you.

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

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

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

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

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

14 SENATOR DeFRANCISCO: Yes.

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

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

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

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

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

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

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

1 any income eligibility requirement? Can
2 millionaires get your credit?

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

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

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

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

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

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

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

16 SENATOR DeFRANCISCO: Yes.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor yields.

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

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

6 SENATOR DeFRANCISCO: No, it
7 wouldn't.

8 SENATOR KRUEGER: And --

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

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

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

15 SENATOR DeFRANCISCO: The reason
16 is that --

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

20 Senator Krueger.

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

24 SENATOR DeFRANCISCO: Yes.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

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

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

8 (Laughter.)

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

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

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

25 In fact, the local governments, like

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

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

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

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

20 I wish this wasn't 12:30 at night
21 and that we had had more time than starting at
22 5:30 this afternoon to review this one-house
23 resolution. There's an amazing amount of unknown
24 information. There's an amazing number of the
25 lines in the document that are concerns or

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

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

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

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

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

1 97 percent of the students, who are all desperate
2 for education funds.

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

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

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

25 Thank you, Mr. President.

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

3 Senator Squadron.

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

6 SENATOR DeFRANCISCO: Yes.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

9 SENATOR SQUADRON: Thank you.

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

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

20 SENATOR SQUADRON: What does that
21 mean?

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

24 (Laughter.)

25 SENATOR DeFRANCISCO: And basically

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

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

10 SENATOR SQUADRON: If the sponsor
11 would continue to yield.

12 SENATOR DeFRANCISCO: Yes.

13 ACTING PRESIDENT GRIFFO: The
14 sponsor yields.

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

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

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

9 SENATOR SQUADRON: If the sponsor
10 would continue to yield.

11 SENATOR DeFRANCISCO: Yes.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

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

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

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

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

5 SENATOR DeFRANCISCO: No.

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

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

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

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

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

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

4 SENATOR SQUADRON: If the sponsor
5 would continue to yield.

6 SENATOR DeFRANCISCO: Yes.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

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

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

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

1 SENATOR SQUADRON: On the bill,
2 Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Squadron on the bill.

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

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

12 (Laughter.)

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

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

1 sums of money.

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

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

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

25 There are a couple of other features

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

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

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

23 So I thank the President and yield.

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

1 Senator Peralta.

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

4 ACTING PRESIDENT GRIFFO: Senator
5 Peralta on the bill.

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

10 Despite the fact that the highest
11 estimate of the DREAM Act's cost would occupy
12 0.00018 percent of the budget, or 2 percent of
13 TAP costs; despite the fact that not a single
14 person currently eligible to get TAP would be
15 displaced by its passage; despite how easily
16 \$40 million a year was found to pay for public
17 financing -- I must add, a progressive measure
18 that I proudly support; despite the fact that
19 this is a smart investment that will pay future
20 dividends by helping create the next generation
21 of taxpayers and business owners; despite the
22 fact that immigrants are more than twice as
23 likely to start a business as people born in this
24 country; despite all the talk of supporting job
25 creators and small business owners; despite all

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

1 you and needs you"; despite the fact that
2 New York was a leader on in-state tuition for
3 immigrants in 2002; despite the fact that the
4 2002 bill passed the chamber with the support of
5 16 Republicans; despite the fact that just a few
6 weeks ago in Washington State, a state senate
7 majority coalition made up of Republicans and
8 centrist Democrats passed the fourth state DREAM
9 Act; despite all the rumors, despite all the
10 gossip and despite all the innuendos, despite all
11 of that, in my heart of hearts I wasn't really
12 expecting some Eureka moment where the Majority
13 Coalition adopted the DREAM Act and called it its
14 own.

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

25 Most importantly, perhaps, we have a

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

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

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

17 Thank you very much, Mr. President.

18 ACTING PRESIDENT GRIFFO: Senator
19 Espaillat.

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

22 ACTING PRESIDENT GRIFFO: Senator
23 Espaillat on the bill.

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

1 of reasons why we should pass the DREAM Act.

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

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

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

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

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

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

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

1 \$340 million and our after-school programs at
2 \$200 million for the City of New York.

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

5 ACTING PRESIDENT GRIFFO: Senator
6 Hoylman.

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

9 ACTING PRESIDENT GRIFFO: Senator
10 Hoylman on the resolution.

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

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

25 But I wanted to focus specifically

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

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

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

17 The budget resolution before us this
18 evening apparently changes that and allows the
19 30 percent rent cap to apply to all chronic
20 diseases. Which sounds like a great thing, and
21 I'd be certainly in favor of it, except for the
22 fact that it doesn't increase the funding. We
23 have about \$9 million from the state that the
24 Governor and the Mayor agreed to. Increasing a
25 program to include all chronic diseases at

1 \$9 million simply won't do the job.

2 And it's so important, because the
3 HASA 30 percent rent cap has been shown to reduce
4 HIV transmission. It's not charity. These are
5 low-income individuals. They are forced at the
6 moment to live on less than 12 bucks a day
7 through this program. And it is the only housing
8 program, Mr. President, at either the state or
9 the federal level that does not have this
10 30 percent rent cap.

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

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

1 that if everybody who is HIV positive is on
2 medication.

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

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

17 So I would urge you, Mr. President
18 and my friends on the other side of the aisle, to
19 make certain that we fully fund the HASA
20 30 percent rent cap program. It's a matter of
21 equity for these individuals. It's a matter of
22 public health.

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

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

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

9 ACTING PRESIDENT GRIFFO: Senator
10 Rivera.

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

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

15 SENATOR RIVERA: Thank you,
16 Mr. President.

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

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

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

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

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

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

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

1 actually happens. So no DREAM Act in there.

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

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

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

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

1 we spoke about earlier, it seems that the
2 Majority, the Republican-led Coalition, wants to
3 cripple the health exchange by taking the
4 Executive proposal of almost \$54 million out of
5 the one-house. The fact that \$2.5 million for
6 Community Health Advocates was taken out. The
7 fact that the private equity demonstration
8 program was multiplied from five programs to
9 10 programs.

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

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

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

1 is broken.

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

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

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Senator
19 Parker.

20 SENATOR PARKER: Mr. President, on
21 the resolution.

22 ACTING PRESIDENT GRIFFO: Senator
23 Parker on the resolution.

24 SENATOR PARKER: Thank you very
25 much.

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

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

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

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

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

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

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

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

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

8 So as we talk about things like
9 corrections, or we talk about crime, one of the
10 things that we find is that the population of
11 people in prison in New York State, over
12 60 percent of them are actually functionally
13 illiterate. Right? And so one of the things
14 that we know is that education actually leads us
15 to a populace that is less invested in criminal
16 acts to make a living because they're literate
17 and they have other opportunities.

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

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

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

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

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

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

15 I'm not anti-charter. I actually
16 like the notion of charters. We should continue
17 to do charters. In fact, I was part of the
18 Democratic majority in this body that adjusted
19 and reformed charter schools in this state and
20 increased the cap in order for us to win the
21 \$770 million for Race to the Top. Right? So,
22 you know, this is not an anti-charter
23 conversation.

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

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

8 (Laughter.)

9 SENATOR PARKER: But when we talk
10 about charters, if we took every charter and put
11 it in New York City, it would only be about
12 70,000 kids.

13 What are we talking about? How do
14 you in fact put the same amount of money into
15 70,000 kids that you put into 1.3 million kids?
16 It just doesn't -- you know, it doesn't -- it
17 doesn't add up in terms of the needs.

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

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

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

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

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

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

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

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

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

25 And we are saying that our

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

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

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

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

1 way down on the list.

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

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

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

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

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

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

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

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

1 gambling in the state.

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

6 Thank you, Mr. President.

7 ACTING PRESIDENT GRIFFO: Senator
8 Stavisky.

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

11 ACTING PRESIDENT GRIFFO: Senator
12 Stavisky on the resolution.

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

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

20 Starting with the City University of
21 New York, there's a provision where, under the
22 capital projects, City University of New York,
23 the four-year colleges receive an additional
24 \$700 million for strategic initiatives. A
25 similar appropriation is there for SUNY. And the

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

4 Secondly, this resolution denies the
5 \$8 million for the STEM scholarships. In an
6 increasingly technological society, to provide
7 what ought to be provided, we ought to be
8 providing funding for the science, technology,
9 engineering and math subjects.

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

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

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

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

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

16 Under the State University budget
17 and the state operations, they restore
18 \$18.5 million for SUNY Upstate and Stony Brook
19 Hospitals. But I say to my friends, you forgot
20 to include Downstate. They are experiencing some
21 difficulties also.

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

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

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

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

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

1 They're about to run out of funds.

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

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

15 Thank you.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Stavisky.

18 Senator Hassell-Thompson.

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

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

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

25 SENATOR HASSELL-THOMPSON: Thank

1 you.

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

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

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

25 The 2010 legislation provides that

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

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

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

25 I ask that we reject this proposal

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

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

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

1 Thus, why spend \$2.5 million when we
2 have two major institutions which already possess
3 the information that this proposal asks for? Why
4 2.5 million? Just think how many pre-K programs
5 we could fund with that money.

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

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

25 My final concern with this budget is

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

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

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

22 Thank you, Mr. President.

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

25 Senator Smith.

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

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

5 ACTING PRESIDENT GRIFFO: Senator
6 Smith on the resolution?

7 SENATOR SMITH: On the resolution.

8 ACTING PRESIDENT GRIFFO: Senator
9 Smith on the resolution.

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

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

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

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

6 Higher education, you have
7 \$700 million for a strategic initiative for
8 four-year campuses. That's a good idea. Under
9 criminal justice, there's the new program called
10 GIVE, which is also aligned with the program
11 called SNUG, that provides some incentive for
12 public safety. That's a good idea.

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

19 Environmental conservation, the
20 Environmental Protection Fund, up to
21 \$200 million, an additional \$43 million. That's
22 a good idea.

23 Many people talked about UPK,
24 \$540 million, we talk about for five years. That
25 is also a good idea.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 You denied the SHIN New York
18 program, which is State Health Info Network, a
19 \$55 million idea. I would ask your consideration
20 to restore that, in particular because of the
21 number of hospitals in the district that I
22 represent in Queens that we have lost, four. I
23 would hope you would revisit that.

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

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

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

17 Senator DeFrancisco, let me
18 congratulate you on the time and effort your
19 staff put in. Senator Liz Krueger, let me
20 congratulate you on the effort and time that your
21 team put in. Senator Klein, Senator Valesky, let
22 me congratulate you on the time that you put in.

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

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

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

15 Thank you, Mr. President.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Smith.

18 Senator Krueger.

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

21 ACTING PRESIDENT GRIFFO: Senator
22 Krueger on the resolution.

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

1 apparently.

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

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

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

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

4 Except by my colleagues' own
5 financial plan that attaches to their resolution,
6 they don't have any money there. They just have
7 lines without the money because they don't add
8 \$2 billion for capital for our higher education
9 universities. So I don't know why it says we're
10 adding it when we're not. Just continuing my
11 theme of things we say we're taking care of --
12 TAP, EPIC, more funds for public education -- but
13 we're not.

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

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

1 charter schools are sitting on more than
2 \$135 million in cash and \$188 million in
3 restricted net assets. That's all taxpayers'
4 money. They're sitting with these huge bank
5 accounts, but this plan gives those 3 percent of
6 students in those schools more than the
7 97 percent of students in school districts
8 throughout the state who are desperately hurting
9 for funds. I don't get it.

10 And on top of that, in this
11 resolution we have this fascinating 100 percent
12 tax credit for the wealthiest New Yorkers that
13 we're calling an education tax credit. And we
14 even have a lot of religious school and private
15 school parents out there convinced that this is
16 going to help their kids. It's not. It just
17 allows the wealthiest people to write off
18 75 percent of what they owe the State of
19 New York, dollar for dollar, and give it
20 somewhere, perhaps the wealthiest school in the
21 state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 I've been here since 2002, I've
12 learned a lot. But one thing I've learned for
13 sure, no question about it, is that when a
14 complex yet detail-free proposal comes out late
15 in the day and you're told you're going to come
16 to the floor to vote for it late at night or
17 2 o'clock in the morning when the public and the
18 press are asleep, you know you're being fed
19 something really fake and filled with poison
20 pills.

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

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

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

11 I vote no, Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator
13 Stewart-Cousins.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Senator Klein on the resolution.

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

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

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

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

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

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

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

1 resolution, the block grant subsidies, to
2 \$1 billion, as well as expand the Facilitated
3 Enrollment Child Care Subsidy to \$100 million.

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

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

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

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

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

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

1 happening. So in this budget we expand the
2 Elderly Pharmaceutical Insurance Coverage, known
3 as EPIC, a wonderful program. But the income
4 level is still too low for many senior citizens
5 to be able to buy into the program. You know,
6 when you're a senior citizens and you're making
7 \$40,000, \$50,000 a year and you're using four or
8 five prescription drugs and paying high copays,
9 that money goes very, very quickly. So I think
10 it's important that we allow even middle-income
11 seniors to take part in the EPIC program.

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

1 New York is affordable.

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

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

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

25 I think we made a very, very

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

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

13 Thank you, Mr. President.

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

16 Senator Skelos to close debate.

17 SENATOR SKELOS: Thank you,
18 Mr. President.

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

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

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

7 (Laughter.)

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

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

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

1 with all of our cooperation.

2 Thank you.

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

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

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

9 (The Secretary called the roll.)

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

12 (Response of "Aye.")

13 SENATOR GIANARIS: Show of hands.

14 ACTING PRESIDENT GRIFFO: A show of
15 hands has been so requested and so ordered.

16 Those in the negative, please raise your hand.

17 (Show of hands.)

18 ACTING PRESIDENT GRIFFO: Senator
19 Young to explain her vote.

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

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

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

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

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

12 Senator Tkaczyk to explain her vote.

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

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

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

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

9 It is unconscionable we are
10 proposing to not fund -- that we will not be
11 restoring the majority of school districts to
12 2008 funding levels. Today more than 200 school
13 districts are facing both educational and fiscal
14 insolvency. Public school districts across the
15 state are balancing their budgets at the cost of
16 educational programs, and the high-need
17 urban/suburban school districts and average-need
18 districts have lost the most.

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

22 Thank you.

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

25 Senator Flanagan to explain his

1 vote.

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

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

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

18 We take the Governor's \$323 million,
19 add \$217 million on top of that. We provide
20 flexibility in the form of pre-K in the amount of
21 another \$145 million. So we add well over
22 \$300 million for school districts, with
23 flexibility on GEA, allowing them to make
24 investments, allowing them to reduce their
25 property taxes. We put \$20 million in for

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

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

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

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

1 affirmative.

2 Senator Grisanti to explain his
3 vote.

4 SENATOR GRISANTI: Thank you,
5 Mr. President.

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

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

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

1 are fighting for college. The middle-class
2 New Yorkers across the state that can't afford
3 college, we increased TAP. We did not go ahead
4 and give it to prisoners. What we should do is
5 actually spend money on the programs to stop them
6 from going to prison in the first place, rather
7 than having a college degree while you're in
8 prison and you're not going to get out for
9 20 years.

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

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

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

16 I vote aye.

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

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

21 Senator Parker.

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

25 There's one other thing that's going

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

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

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

1 Assessing Secondary Completion exam.

2 Thank you.

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

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

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

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

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

1 Thank you, Mr. President.

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

4 Senator DeFrancisco to close on
5 explanation of votes.

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

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

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

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

6 Thank you, Mr. President.

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

9 Announce the results.

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

17 Ayes, 36. Nays, 19.

18 ACTING PRESIDENT GRIFFO: The
19 resolution is adopted.

20 Senator Libous.

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

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

25 SENATOR LIBOUS: Mr. President,

1 there being no further business before the house,
2 I move that the Senate will adjourn until Monday,
3 March 17th, with the luck of the Irish, at
4 3:00 p.m., and intervening days being legislative
5 days.

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

10 The Senate stands adjourned.

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

13

14

15

16

17

18

19

20

21

22

23

24

25