

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 31, 2015

11 4:26 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT GRIFFO: In the  
10 absence of clergy, I ask everyone to please bow  
11 their heads in a moment of silent reflection and  
12 prayer.

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

15 ACTING PRESIDENT GRIFFO: The  
16 reading of the Journal.

17 THE SECRETARY: In Senate, Monday,  
18 March 30th, the Senate met pursuant to  
19 adjournment. The Journal of Sunday, March 29th,  
20 was read and approved. On motion, Senate  
21 adjourned.

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

25 Presentation of petitions.

1           Messages from the Assembly.  
2           Messages from the Governor.  
3           Reports of standing committees.  
4           Reports of select committees.  
5           Communications and reports of state  
6 officers.  
7           Motions and resolutions.  
8           Senator LaValle.  
9           SENATOR LaVALLE:   Mr. President,  
10 on behalf of Senator Ortt, on page number 22 I  
11 offer the following amendments to Calendar  
12 Number 287, Senate Print Number 2953, and I ask  
13 that said bill retain its place on the Third  
14 Reading Calendar.  
15           ACTING PRESIDENT GRIFFO:   The  
16 amendments are received, and the bill shall  
17 retain its place on third reading.  
18           Senator LaValle.  
19           SENATOR LaVALLE:   Would you now  
20 recognize Senator Gianaris, please.  
21           ACTING PRESIDENT GRIFFO:   Senator  
22 Gianaris.  
23           SENATOR GIANARIS:   Thank you,  
24 Mr. President. On behalf of Senator Squadron, I  
25 move that the following bill be discharged from

1 its respective committee and be recommitted with  
2 instructions to strike the enacting clause:  
3 Senate Bill 581.

4 ACTING PRESIDENT GRIFFO: It is so  
5 ordered.

6 Senator LaValle.

7 SENATOR LaVALLE: Mr. President,  
8 can we adopt the Resolution Calendar.

9 ACTING PRESIDENT GRIFFO: All in  
10 favor of adopting the Resolution Calendar  
11 signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT GRIFFO: Opposed?

14 (No response.)

15 ACTING PRESIDENT GRIFFO: The  
16 Resolution Calendar that was before the house is  
17 adopted.

18 Senator LaValle.

19 SENATOR LaVALLE: Mr. President,  
20 can we call an immediate meeting of the Finance  
21 Committee off the floor at 4:45.

22 ACTING PRESIDENT GRIFFO: There  
23 will be --

24 SENATOR LaVALLE: I know, yes.  
25 Thank you. That's not immediate, it's 4:45.

1                   ACTING PRESIDENT GRIFFO:    There  
2   will be a meeting of the Finance Committee off  
3   the floor in Room 332 at 4:45 p.m.

4                   Senator LaValle.

5                   SENATOR LaVALLE:    We're going to  
6   stand at ease.

7                   ACTING PRESIDENT GRIFFO:    The  
8   Senate will stand temporarily at ease.

9                   (Whereupon, the Senate stood at ease  
10   at 4:28 p.m.)

11                   (Whereupon, the Senate reconvened at  
12   5:00 p.m.)

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

15                   Senator LaValle.

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

18                   There will be an immediate meeting  
19   of the Cities Committee, immediate, in Room 332.

20                   ACTING PRESIDENT GRIFFO:    There  
21   will be an immediate meeting of the Cities  
22   Committee in Room 332.

23                   Senator LaValle.

24                   SENATOR LaVALLE:    Mr. President,  
25   would you return to the reports of the standing

1 committees.

2 ACTING PRESIDENT GRIFFO: We will  
3 return to reports of standing committees.

4 SENATOR LaVALLE: Do you have a  
5 report of the Finance Committee at the desk?

6 ACTING PRESIDENT GRIFFO: There is  
7 a report of the Finance Committee at the desk.

8 SENATOR LaVALLE: Okay.

9 ACTING PRESIDENT GRIFFO: The  
10 Secretary will read.

11 THE SECRETARY: Senator  
12 DeFrancisco, from the Committee on Finance,  
13 reports the following bills:

14 Senate Print 2000C, Senate Budget  
15 Bill, an act making appropriations for the  
16 support of government;

17 Senate 2004C, Senate Budget Bill, an  
18 act making appropriations for the support of  
19 government;

20 And Senate 4611, Senate Budget Bill,  
21 Concurrent Resolution of the Senate and Assembly.

22 All bills reported direct to third  
23 reading.

24 ACTING PRESIDENT GRIFFO: Senator  
25 LaValle.

1           SENATOR LaVALLE:    Mr. President, I  
2   move that we accept the report.

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

6                               (Response of "Aye.")

7           ACTING PRESIDENT GRIFFO:   Opposed?

8                               (No response.)

9           ACTING PRESIDENT GRIFFO:   The  
10   report is accepted and before the house.

11           SENATOR LaVALLE:    Mr. President.

12           ACTING PRESIDENT GRIFFO:   Senator  
13   LaValle.

14           SENATOR LaVALLE:    Yes, can we have  
15   the reading of the noncontroversial active list.

16           ACTING PRESIDENT GRIFFO:   The  
17   Secretary will read the active list,  
18   noncontroversial.

19           THE SECRETARY:    Calendar Number  
20   308, Senate Budget Bill, Senate Print 2001A, an  
21   act making appropriations for the support of  
22   government.

23           ACTING PRESIDENT GRIFFO:   Read the  
24   last section.

25           THE SECRETARY:    Section 5.   This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59. Nays, 2.  
6 Senators Parker and Perkins recorded in the  
7 negative.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 Senator LaValle.

11 SENATOR LaVALLE: Mr. President, we  
12 have on our desks Supplemental Calendar Number  
13 28A. Can we have the reading of the  
14 noncontroversial supplemental calendar, Calendar  
15 Number 314.

16 ACTING PRESIDENT GRIFFO: The  
17 Secretary will read.

18 THE SECRETARY: Calendar Number  
19 314, Senate Budget Bill, Senate Print 2000C, an  
20 act making appropriations for the support of  
21 government.

22 SENATOR GIANARIS: Lay it aside.

23 ACTING PRESIDENT GRIFFO: Lay the  
24 bill aside.

25 Senator LaValle.



1           SENATOR LaVALLE:    Can we have the  
2 controversial reading of the supplemental  
3 calendar, Number 314.

4           ACTING PRESIDENT GRIFFO:   We are on  
5 Supplemental Calendar 28A, and we will now have  
6 the controversial reading of Calendar Number 314.  
7 The Secretary is ringing the bell, and the  
8 Secretary will read.

9           THE SECRETARY:    Calendar Number  
10 314, Senate Budget Bill, Senate Print 2000C, an  
11 act making appropriations for the support of  
12 government.

13          ACTING PRESIDENT GRIFFO:   Senator  
14 Stavisky.

15          SENATOR STAVISKY:   Thank you,  
16 Mr. President. I really only have one question,  
17 if somebody would claim sponsorship.

18          SENATOR DeFRANCISCO:   I'll claim  
19 it.

20               (Laughter.)

21          ACTING PRESIDENT GRIFFO:   Senator  
22 DeFrancisco, will you yield?

23          SENATOR DeFRANCISCO:   Yes.

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

1                   SENATOR STAVISKY:    The budget bill  
2   before us talks about the Performance Improvement  
3   Plan, which had a 10 percent holdback feature.  
4   The 10 percent holdback has been withdrawn.   The  
5   Executive proposed it, but it was withdrawn in  
6   the final agreement.   What is going to happen to  
7   the Performance Improvement Plan in this budget?

8                   SENATOR DeFRANCISCO:    (Conferring  
9   off the record.)

10                  SENATOR STAVISKY:    Well, let me  
11   rephrase my question.

12                  SENATOR DeFRANCISCO:    There's going  
13   to be an additional \$18 million for SUNY.   That's  
14   what I'm being told.   (Conferring off the  
15   record.)

16                  What section is it of the bill?   Do  
17   you have a number or a letter?

18                  SENATOR STAVISKY:    (No response.)

19                  SENATOR DeFRANCISCO:    Senator  
20   LaValle apparently has an answer at hand, and I  
21   don't.   Maybe he can answer it.

22                  ACTING PRESIDENT GRIFFO:    Senator  
23   LaValle has not spoken.

24                  Senator Stavisky, I will ask Senator  
25   LaValle to respond if there's no objection.

1                   SENATOR STAVISKY:    I would  
2    appreciate it.

3                   ACTING PRESIDENT GRIFFO:   With  
4    unanimous consent, Senator LaValle, you're  
5    recognized.

6                   SENATOR LaVALLE:    Yes, thank you.

7                   Senator Stavisky, you're absolutely  
8    right. In the Governor's budget he had money in  
9    there that there was a penalty if the campuses  
10   did not move forward. We stripped it of that,  
11   and the money will now go forward so that the  
12   campuses can use it for a variety of reasons.

13                   And one of the things that the  
14   chancellor has made as a priority is a  
15   graduate-in-four, so that this money will be used  
16   pretty much for SUNY for purposes of improving  
17   programs, graduate-in-four, and there is nothing  
18   tied to it in terms of any penalty.

19                   SENATOR STAVISKY:    Would the  
20   Senator continue to yield?

21                   SENATOR LaVALLE:    Yes.

22                   ACTING PRESIDENT GRIFFO:   The  
23   Senator yields.

24                   SENATOR STAVISKY:    It's my  
25   understanding that most if not all of the

1 colleges have already complied with the  
2 requirements without the sword of Damocles put  
3 over their heads of the 10 percent withholding.

4 Are there plans in the future -- and  
5 that's really the thrust of my question, are  
6 there plans in the future to reinstate that  
7 10 percent holdback? Because the wording, from  
8 what I understand, is somewhat unclear.

9 SENATOR LaVALLE: So at the very  
10 beginning the members probably did not hear a  
11 great deal of concern from the presidents at the  
12 colleges that they represent because they were  
13 moving in a direction, as I had indicated, of  
14 graduate-in-four, different kinds of curriculum  
15 improvements.

16 It is not the intent of our  
17 committee, that you are the ranking member of,  
18 to -- we've rejected it this year. We would  
19 reject it again next year. I think we've ended  
20 up with a good result that everyone is very  
21 comfortable with.

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

24 Thank you, Mr. Chairman.

25 ACTING PRESIDENT GRIFFO: Thank

1       you, Senator Stavisky.

2                   Any other Senator wishing to be  
3       heard?

4                   Senator Gianaris.

5                   SENATOR GIANARIS:     No.

6                   ACTING PRESIDENT GRIFFO:   Is there  
7       any other Senator that wishes to be heard?

8                   Senator LaValle.

9                   SENATOR LaVALLE:     Can we lay this  
10      aside temporarily?  We're waiting for a message.

11                   ACTING PRESIDENT GRIFFO:   So we  
12      will lay Calendar 314 temporarily aside.

13                   Senator LaValle.

14                   SENATOR LaVALLE:     Once again,  
15      Mr. President, I would like to go to Supplemental  
16      Calendar Number 28A.

17                   ACTING PRESIDENT GRIFFO:   Senator  
18      LaValle, before we do that, on Calendar Number  
19      314, for the record's purposes, I have asked  
20      whether there was any other Senator that wanted  
21      to be heard, and I've seen none and heard none,  
22      so debate is closed on that.  And it's been  
23      temporarily laid aside.  So when we come back,  
24      we'll be ringing the bell for the vote.

25                   Senator LaValle.

1                   SENATOR LaVALLE:    Yes.  On the  
2   Supplemental Calendar 28A, can we have the  
3   reading of the noncontroversial Calendar Number  
4   315.

5                   ACTING PRESIDENT GRIFFO:   The  
6   Secretary will read.

7                   THE SECRETARY:    Calendar Number  
8   315, Senate Budget Bill, Senate Print 2004C, an  
9   act making appropriations for the support of  
10  government.

11                  SENATOR GIANARIS:   Lay it aside.

12                  ACTING PRESIDENT GRIFFO:   Senator  
13  Gianaris, do you mind if we accept the message?

14                  SENATOR GIANARIS:    I do not mind.

15                  ACTING PRESIDENT GRIFFO:   Senator  
16  LaValle.

17                  SENATOR LaVALLE:    Mr. President,  
18  can we have the controversial reading of Calendar  
19  Number 315.

20                  ACTING PRESIDENT GRIFFO:   Senator  
21  LaValle, there's a message of necessity before  
22  the desk.  Would you like me to consider that  
23  message?

24                  SENATOR LaVALLE:    Yes.

25                  ACTING PRESIDENT GRIFFO:   The

1 question is on the message of necessity that's  
2 before the desk. All in favor of accepting the  
3 message signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT GRIFFO: Opposed?

6 (No response.)

7 ACTING PRESIDENT GRIFFO: The  
8 message of necessity is accepted.

9 And Calendar Number 315 has been  
10 laid aside by Senator Gianaris. The Secretary  
11 will ring the bell, and we will have the  
12 controversial reading.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 315, Senate Budget Bill, Senate Print 2004C, an  
16 act making appropriations for the support of  
17 government.

18 ACTING PRESIDENT GRIFFO: Senator  
19 Krueger.

20 SENATOR KRUEGER: Thank you,  
21 Mr. President. If the sponsor would please  
22 yield.

23 ACTING PRESIDENT GRIFFO: The  
24 sponsor yields.

25 SENATOR KRUEGER: Thank you.

1                   Could the sponsor clarify what has  
2                   changed from the original proposal of  
3                   \$147.7 million under the Office of Children and  
4                   Families? It's been modified so that the  
5                   expenditure is instead \$110 million relating to  
6                   the age of juvenile jurisdiction.

7                   So what are we doing with 110 versus  
8                   the 147? Have we just cut out something, or did  
9                   we change the purpose of the \$110 million?

10                  SENATOR DeFRANCISCO: First of all,  
11                  the \$147.7 million was to include the Raise the  
12                  Age. But since we don't have the actual  
13                  mechanics, it was too soon to try to put the  
14                  actual mechanics in a bill, he took the funding  
15                  out of there. And I know there is another spot  
16                  in the budget that it's included.

17                  Yeah, here it is. The capital  
18                  program related to Raising the Age shall be  
19                  subject to a chapter of the Laws of 2015. So  
20                  \$110 million of it is from Raise the Age, but  
21                  it's not going to be finalized until we have a  
22                  chapter that actually describes where individuals  
23                  are going to be put and the mechanics of the  
24                  changes of Raise the Age to the criminal justice  
25                  system as it now stands.



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

4                   SENATOR DeFRANCISCO:    Yes.

5                   ACTING PRESIDENT GRIFFO:    The  
6   sponsor yields.

7                   SENATOR KRUEGER:    So the answer is  
8   \$110 million is to be determined in a later bill  
9   to come before this house at a time yet to be  
10  determined?

11                  SENATOR DeFRANCISCO:    The money is  
12  there, and we have an appropriation.  But we have  
13  to have a bill detailing the changes in procedure  
14  before that money can be used.

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

18                  SENATOR DeFRANCISCO:    Yes.

19                  ACTING PRESIDENT GRIFFO:    The  
20  sponsor yields.

21                  SENATOR KRUEGER:    Thank you.

22                         So in the section on Empire State  
23  Development Corporation, we've accepted the  
24  \$1.89 billion --

25                  SENATOR LaVALLE:    Mr. President,

1       excuse me.

2                   ACTING PRESIDENT GRIFFO:     Senator  
3       LaValle.

4                   SENATOR LaVALLE:     The members in  
5       the back rows are having a difficult time hearing  
6       both Senator Krueger and Senator DeFrancisco.  So  
7       I don't know whether we need to put up the volume  
8       in their mics.  Just be mindful of it as you --

9                   ACTING PRESIDENT GRIFFO:  
10      Technologically, let's see if we can the raise  
11      the volume on the mics --

12                  SENATOR LaVALLE:     Thank you.

13                  ACTING PRESIDENT GRIFFO:     -- and  
14      not in the voices.

15                  And I'd ask those in the back to  
16      please take any conversations outside the  
17      chamber, please.

18                  Senator Krueger, you may continue.

19                  SENATOR KRUEGER:     Thank you.  I  
20      was -- I had asked the sponsor to yield, I  
21      believe he had said yes.

22                  SENATOR DeFRANCISCO:     Yes.

23                  SENATOR KRUEGER:     And I was asking  
24      the question involving the Empire State  
25      Development Corporation, \$1.89 billion, but it

1 has been modified.

2 So it adds \$400 million for capital  
3 projects in areas not eligible for the Upstate  
4 Revitalization Initiative or the Buffalo Regional  
5 Innovation Cluster program. So on that subset,  
6 one, have we added \$400 million or have we  
7 repurposed \$400 million of the original  
8 \$1.89 billion?

9 SENATOR DeFRANCISCO: No, we've  
10 added \$400 million. There was a lot of concern  
11 that only three regions of upstate, of the seven  
12 that are eligible, would get money. And there  
13 are other areas of the state that felt that they  
14 should be provided some economic development  
15 money to offset what's being given in a program  
16 to other regions of the state.

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

20 SENATOR DeFRANCISCO: Yes.

21 ACTING PRESIDENT GRIFFO: The  
22 sponsor yields.

23 SENATOR KRUEGER: Thank you.

24 So on this section, so there was the  
25 \$1.5 billion that the Governor was discussing

1 distributing in three \$500 million competitive  
2 grants. I believe that is still there and will  
3 be given out over five years, \$100 million per  
4 year to each of those three winners.

5 And then these new \$400 million will  
6 go to only upstate areas and the upstate areas  
7 not included in the three winners?

8 SENATOR DeFRANCISCO: No, it  
9 includes not only the other regions, but it also  
10 includes any other area of the state.

11 SENATOR KRUEGER: It includes --  
12 sorry. Through you, Mr. President, if the  
13 sponsor --

14 ACTING PRESIDENT GRIFFO: The  
15 sponsor yields.

16 SENATOR KRUEGER: Thank you.

17 Does it include New York City and  
18 Long Island as well?

19 SENATOR DeFRANCISCO: Yes.

20 SENATOR KRUEGER: Thank you.

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

23 SENATOR DeFRANCISCO: Yes.

24 ACTING PRESIDENT GRIFFO: The  
25 sponsor yields.

1           SENATOR KRUEGER:    On that same  
2    section, can this money be used for or is it  
3    explicitly to be used for infrastructure needs  
4    that we've been hearing so much from counties and  
5    municipalities that they are so in search of  
6    money for, or is it not able to be used this way?

7           SENATOR DeFRANCISCO:   It's just the  
8    limiting language simply is capital projects.  
9    And I would think infrastructure would be  
10   eligible -- I know that infrastructure would be  
11   eligible.   And EDC will determine, Empire State  
12   Development Corp. would determine which projects  
13   they were going to fund.

14          SENATOR KRUEGER:    And through you,  
15   Mr. President, an additional question on this  
16   section.

17          SENATOR DeFRANCISCO:   Yes.

18          ACTING PRESIDENT GRIFFO:   The  
19   sponsor yields.

20          SENATOR KRUEGER:    Thank you.

21                 So the \$1.5 billion is over five  
22   years.   Is the \$400 million intended also to be  
23   over five years, or all in one year?

24          SENATOR DeFRANCISCO:   It can be  
25   used over a period of four years, or it can be

1 matched to the funding upstate at five years.

2 Four or five years.

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

6 SENATOR DeFRANCISCO: Yes.

7 ACTING PRESIDENT GRIFFO: The  
8 sponsor yields.

9 SENATOR KRUEGER: Thank you.

10 There's also a section on  
11 environmental conservation projects that adds  
12 \$200 million for a multiyear Water Quality  
13 Infrastructure Improvement Act, or the  
14 \$200 million is part of \$566.9 million. That  
15 water quality infrastructure improvement money,  
16 is that over multiple years? And how large can  
17 the grants be?

18 SENATOR DeFRANCISCO: It's over  
19 three years.

20 And the grants that could come out  
21 of here -- it's applicable to the entire state,  
22 but the grants that come out of here are limited  
23 to \$5 million. And if I'm not mistaken, it  
24 requires a match from the local government  
25 depending upon the type of project.

1                   SENATOR KRUEGER:    This is where I  
2   do get a little confused, because there is the  
3   \$200 million for the water quality infrastructure  
4   and then -- you know what, I wasn't confused.  
5   Let me refocus my question, Mr. President, if the  
6   sponsor will continue to yield.

7                   SENATOR DeFRANCISCO:    Sure.

8                   ACTING PRESIDENT GRIFFO:    The  
9   sponsor yields.

10                  SENATOR KRUEGER:    So you can  
11   receive no more than \$5 million per project or  
12   per municipality?

13                  SENATOR DeFRANCISCO:    Per  
14   municipality.   So there's enough money to be  
15   spread around.

16                  SENATOR KRUEGER:    Through you,  
17   Mr. President, is this money funded through the  
18   EFC?

19                  SENATOR DeFRANCISCO:    Yes.

20                  SENATOR KRUEGER:    It is.   So per  
21   municipality.   And is it a one-to-one match?  
22   What's the match formula?

23                  SENATOR DeFRANCISCO:    They can  
24   get -- the municipality can get up to 60 percent  
25   of the project cost.

1           SENATOR KRUEGER:    So they put in  
2   40 cents and they get 60 cents --

3           SENATOR DeFRANCISCO:   Correct.

4           SENATOR KRUEGER:    -- up to  
5   \$5 million.

6           SENATOR DeFRANCISCO:   That's  
7   correct.

8           SENATOR KRUEGER:    Counties are not  
9   eligible, only towns, cities and villages?

10          SENATOR DeFRANCISCO:   I think  
11   counties are eligible.  I think any governing  
12   unit.  Any governing unit is considered a  
13   municipality.

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

17          SENATOR DeFRANCISCO:   Yes.

18          ACTING PRESIDENT GRIFFO:   The  
19   sponsor yields.

20          SENATOR KRUEGER:    Thank you.

21                 So if there were a group of  
22   municipalities near each other all within one  
23   county, could they come in for a group package  
24   totaling more than \$5 million?  Since my  
25   understanding on water infrastructure is it



1 rarely changes when a line is crossed for a town  
2 or village.

3 SENATOR DeFRANCISCO: Yes, I -- it  
4 would be. They could combine as long as that  
5 portion that they're applying for, the costs  
6 could be justified as occurring in their  
7 particular municipality.

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

11 SENATOR DeFRANCISCO: Yes.

12 ACTING PRESIDENT GRIFFO: The  
13 sponsor yields.

14 SENATOR KRUEGER: Thank you.

15 There's a "Capital Projects --  
16 Health Department" section that's providing  
17 \$175,000 for the Ezra Medical Center. Can I ask  
18 where that center is located and what that money  
19 is for?

20 SENATOR DeFRANCISCO: We've got  
21 another participant here.

22 SENATOR HANNON: May I speak?

23 ACTING PRESIDENT GRIFFO: Without  
24 objection, I ask for unanimous consent. Senator  
25 Hannon, you're hereby recognized.

1 Senator Krueger, pose your question.

2 SENATOR KRUEGER: Thank you.

3 If I might repeat the question,  
4 within the \$1.2 billion capital projects for the  
5 Health Department there was added \$175,000 for  
6 the Ezra Medical Center. I was wondering what or  
7 where that medical center is and what the  
8 \$175,000 is for.

9 SENATOR HANNON: It is a community  
10 health center, I think it's an FQHC, Federally  
11 Qualified Health Center. It's located in  
12 Brooklyn. And through a drafting error, it was  
13 left out of the main bill.

14 SENATOR KRUEGER: Okay, thank you.

15 Through you, Mr. President, if some  
16 sponsor would continue.

17 SENATOR DeFRANCISCO: Well, it  
18 depends on the question.

19 (Laughter.)

20 ACTING PRESIDENT GRIFFO: Senator  
21 DeFrancisco will yield. And you may continue,  
22 Senator Krueger, and we can designate  
23 accordingly.

24 SENATOR KRUEGER: I welcome all  
25 sponsors. I am very equal opportunity that way.

1                   In the section on Housing and  
2   Community Renewal, yesterday in a bill we took  
3   all the housing money out, and then today we seem  
4   to be putting at least the \$439.5 million in  
5   JPMorgan settlement funds back in. Is there a  
6   breakdown on how much money is for what specific  
7   project that the sponsor can share with me?

8                   SENATOR DeFRANCISCO:    Yup. We'll  
9   get that for you right now.

10                  There's a Public Housing  
11   Modernization Program, NYCHA, \$100 million.  
12   Moderate-Income Loan Program, \$25 million.  
13   Mitchell-Lama repairs and revitalization,  
14   \$25 million. SONY Neighborhood Revitalization  
15   Purchase Program, \$21,689,965. Access to Home  
16   for Heroes, \$19,000,601. RESTORE Seniors  
17   Program, \$5 million. Statewide New York IV  
18   Supportive Housing Program, \$124.5 million.  
19   Restore New York Communities Initiative, \$25  
20   million. State CDFI Fund, zero. New York Rental  
21   Assistance Link 1, \$40 million. HIV rent cap,  
22   \$27 million. The Neighborhood Preservation  
23   organization and the Rural Preservation  
24   organization, a total of \$20,259,000. The  
25   Adirondack Housing Community Trust, \$1 million.

1 And lastly, Main Street Program, \$5.35 million.

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

5 SENATOR DeFRANCISCO: Yes.

6 ACTING PRESIDENT GRIFFO: The  
7 sponsor yields.

8 SENATOR KRUEGER: Thank you.

9 So some of these program amounts  
10 have in fact changed since the Executive proposal  
11 came out; is that correct? These numbers are  
12 actually different than we had seen earlier?

13 SENATOR DeFRANCISCO: That is  
14 correct.

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

18 ACTING PRESIDENT GRIFFO: The  
19 sponsor yields.

20 SENATOR KRUEGER: And here I'm  
21 working not off of the budget bill itself, but  
22 actually the report on the budget bill that has  
23 been placed on our desks. And the language for  
24 Housing and Community Renewal just says "The  
25 Legislature concurs with the Executive

1 recommendation of \$91.2 million, with the  
2 following modifications." And then the following  
3 modifications -- that's page 3 of the report --  
4 the following modifications are the  
5 \$439.5 million that the sponsor just kindly read  
6 off of how it's being spent.

7 But I'm a little confused. How does  
8 that mesh with the \$91.2 million? Did we add  
9 439.5 to the 91.2 and did the list you just read  
10 off really total more like \$529 million?

11 SENATOR DeFRANCISCO: That's  
12 correct.

13 And the fact that this was not in  
14 the normal bill that it was in is because there  
15 was a lot of discussion about how to break up  
16 that money, and it resulted in the additional  
17 funds being placed there.

18 SENATOR KRUEGER: Okay. So I  
19 appreciate the sponsor's answer. I did want to  
20 make sure, because the money has been moving in  
21 and out of different bills, as I discussed here  
22 yesterday. Things that you thought would be in  
23 one bill weren't, but then they are sometimes  
24 popping up in others.

25 So I just wanted to go on record

1 that we understood how much money there was for  
2 housing in the capital budget and how it was  
3 being distributed.

4 SENATOR DeFRANCISCO: And I want to  
5 go on record simply to say I promised that this  
6 would all mesh together. And now I'm explaining  
7 why it had to be taken out, and now it is coming  
8 to a final budget at the very end. And I told  
9 you I had faith, and I do have faith.

10 SENATOR KRUEGER: I still like to  
11 work off the facts, but I appreciate the  
12 sponsor's faith.

13 Through you, Mr. President, if the  
14 sponsor would continue to yield.

15 SENATOR DeFRANCISCO: Yes.

16 ACTING PRESIDENT GRIFFO: The  
17 sponsor yields.

18 SENATOR KRUEGER: Thank you.

19 In the section on "Transportation"  
20 in the capital budget, there's been a change from  
21 the Executive, which moved from \$4.9 billion to  
22 \$5.1 billion. What have we added and/or changed  
23 from the original 4.9 to get to 5.1?

24 SENATOR DeFRANCISCO: The ones  
25 listed on the sheet that was provided to you are

1 the ones that were added.

2 And they hopefully will add up to  
3 the additional -- those are the adds, and  
4 hopefully it will add up to \$200 million.

5 SENATOR KRUEGER: I'm sorry,  
6 through you, Mr. President, there's the dilemma.  
7 I don't think it does add up. Because I see  
8 \$200 million added, but in the chart below I see  
9 \$100 million for highways and bridges and  
10 \$50 million for one-time consolidated local  
11 highway program, \$15 million for upstate transit,  
12 \$2.5 million for the Wells Bridge, \$1 million for  
13 the Glens Falls highway bridge. So I think we're  
14 still about \$45 million short.

15 SENATOR DeFRANCISCO: Then it was  
16 increased from 4.9 million to whatever that next  
17 number is when you add those in.

18 SENATOR KRUEGER: So it was a  
19 rounding error?

20 SENATOR DeFRANCISCO: I don't know  
21 if it was a rounding error, but the intent was --  
22 and it will be in the bill itself -- that these  
23 were additions to the original \$4.9 million.

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

1 yield.

2 SENATOR DeFRANCISCO: Yes. Yes.

3 ACTING PRESIDENT GRIFFO: The  
4 sponsor yields.

5 SENATOR KRUEGER: So the sponsor  
6 just pointed out that yesterday we had a  
7 discussion about faith and that things would all  
8 come together. Yesterday I asked him about the  
9 circuit breaker property tax program. Is that  
10 going to pop up today somewhere?

11 SENATOR DeFRANCISCO: No, and it's  
12 not going to pop up at all. And neither is the  
13 alternative we provided to the Governor; namely,  
14 a rebate check from new funds for next year, not  
15 this calendar year. That fell off the table as  
16 well. So neither one will be in this budget.

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

20 SENATOR DeFRANCISCO: Yes.

21 SENATOR KRUEGER: Thank you.

22 What is the total amount in this  
23 capital budget bill?

24 SENATOR DeFRANCISCO: Well, that's  
25 a very good question. Whatever all these numbers



1 add up to.

2 (Laughter.)

3 SENATOR KRUEGER: I'm sorry, I --  
4 could I ask the sponsor to repeat?

5 ACTING PRESIDENT GRIFFO: It's  
6 probably a once-in-a-lifetime kind of expression  
7 from Senator DeFrancisco, Senator.

8 SENATOR DeFRANCISCO: I simply said  
9 whatever all these numbers add up to is in this  
10 budget.

11 SENATOR KRUEGER: Through you,  
12 Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator  
14 Krueger.

15 SENATOR KRUEGER: They have all  
16 these wonderful budget and policy analysts, one  
17 for each topic. So somebody knows how much  
18 capital this budget bill adds up to.

19 SENATOR DeFRANCISCO: A  
20 mere 7 billion, 581 million.

21 ACTING PRESIDENT GRIFFO: Excuse  
22 me, the chamber is getting a little noisy.  
23 Please, so we can have the members hear each  
24 other.

25 SENATOR KRUEGER: If the sponsor

1 could just repeat that number one more time for  
2 me.

3 SENATOR DeFRANCISCO: Seven  
4 billion, 581 million.

5 SENATOR KRUEGER: And if the  
6 sponsor would continue to yield, please.

7 ACTING PRESIDENT GRIFFO: The  
8 sponsor yields.

9 SENATOR KRUEGER: Thank you.

10 And how much of the \$5.4 billion in  
11 bank settlement money is within this  
12 \$7.581 billion capital budget?

13 SENATOR DeFRANCISCO: I can't give  
14 you that number at this point. But all of the  
15 \$5.4 billion was utilized in this budget.

16 SENATOR KRUEGER: So all 5.4 is in  
17 this budget somewhere within various bills.

18 SENATOR DeFRANCISCO: Right. And I  
19 know 1.3 went to the Thruway Authority, primarily  
20 for the Tappan Zee Bridge; \$1.5 billion went into  
21 the competition. A group of that -- the money  
22 for the hospitals amounted to --

23 SENATOR KRUEGER: Through you,  
24 Mr. President, if the -- oh, I'm sorry, I thought  
25 you were done.

1                   SENATOR DeFRANCISCO:    No, I was  
2   just going to say the hospital money that went to  
3   the Utica area, Brooklyn, and rural hospitals,  
4   that was about 1.4, 1.4 total.  And then there  
5   was about a billion, 900 million -- \$850 million  
6   that we had to pay back the federal government  
7   because certain things were overcharged.

8                   And all those things that I've been  
9   reading off happened to appear somewhere here.  
10   From the New York State Infrastructure Account.  
11   Is that in here?  And there's a -- as you can  
12   see, let me just -- it should be listed here.  
13   All right.  I did it as best from memory, but let  
14   me try again.

15                   Five hundred million for the New NY  
16   Broadband Initiative; \$1.3 billion, as I said,  
17   for the Thruway Stabilization Fund, \$1 billion of  
18   which goes to the Tappan Zee Bridge; \$250 million  
19   for the MTA for Metro-North access to Penn  
20   Station; \$50 million for the Southern Tier and  
21   Hudson Valley farm program; \$115 million for  
22   infrastructure improvements, including rail and  
23   port capital projects and the State Fair, which  
24   is in my district; \$150 million for municipal  
25   restructuring; \$150 million for counterterrorism

1 and disaster resistance, including public safety;  
2 \$400 million for healthcare-related projects --  
3 the \$400 million is the rural part of the  
4 hospital piece -- and \$580-some-odd million for  
5 paying back the federal government for  
6 overpayment on developmental disability payments;  
7 \$150 million for the transformative economic  
8 development projects for Nassau and Suffolk.

9           So that is 3.5. The other money is  
10 in the economic development piece, which I  
11 probably could get to you.

12           Repayment on developmental  
13 disabilities, 850, and we're looking for the rest  
14 of the money. (Conferring off the record.)

15           That list I gave you did not include  
16 something I mentioned before, the 1.5 economic  
17 development in upstate New York. So that wasn't  
18 listed in what I just said. The 1.5 is the  
19 Hunger Games.

20           SENATOR KRUEGER: Okay. Thank you.  
21 There's a lot of different pieces of information  
22 there.

23           Going specifically to -- through  
24 you, Mr. President, if the sponsor would continue  
25 to yield.

1                   ACTING PRESIDENT GRIFFO:    The  
2   sponsor will continue to yield.

3                   SENATOR KRUEGER:    Thank you.  I  
4   appreciate his trying to pull together all this  
5   information.

6                   I guess for me it partly highlights  
7   it's a capital bill worth \$7.581 billion.  I  
8   think it came to print maybe noon today.  We're  
9   doing this with a message of necessity.  I  
10   empathize with his struggling to find all the  
11   right information.  I think the public would have  
12   even greater trouble figuring this all out  
13   between noon and I guess it's 5:30.

14                   Specifically within the New York  
15   State Special Infrastructure Account, where much  
16   of this settlement money that you just read off  
17   is going, there was the \$1.3 billion for the  
18   Thruway Stabilization Program.  And my  
19   understanding is that broke out as \$900 million  
20   for the Tappan Zee and \$400 million for the  
21   Thruway Authority's core capital program.

22                   Is there a list somewhere of what  
23   that \$400 million will be spent on, specific  
24   projects?

25                   SENATOR DeFRANCISCO:   No, there's

1 no list. It's going to the Thruway Authority for  
2 their discretion. And the thought would be,  
3 since it's capital money, that it will relieve  
4 them from responsibility to bond and pay for  
5 bonding in order to help stabilize the Thruway  
6 tolls throughout the Thruway system. So that  
7 there will hopefully -- it's expected that there  
8 will be no toll increases this year.

9 So it's primarily, if they have more  
10 capital, to use that for things that they used to  
11 use Thruway Authority tolls for.

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

15 ACTING PRESIDENT GRIFFO: The  
16 sponsor yields.

17 SENATOR DeFRANCISCO: Yes.

18 SENATOR KRUEGER: Okay, so there's  
19 not a specific list. But if one actually goes to  
20 the budget language of the bill under the Thruway  
21 Stabilization Program -- there's no point in  
22 really reading a page number, but it's under  
23 "Miscellaneous -- All State Departments,"  
24 "New York State Special Infrastructure Account,  
25 Capital Projects."

1           It says: "Provided, however, that  
2 funds shall not be made available from this  
3 appropriation unless the New York State Thruway  
4 Authority has submitted a plan to the Governor,  
5 the speaker of the Assembly, the President Pro  
6 Tem of the Senate that describes the portions of  
7 the funding appropriated herein that will be used  
8 for costs related to the New NY Bridge" -- which  
9 is what we've been calling the new Tappan Zee  
10 Bridge -- "bridge-related transportation  
11 improvement and the Thruway core capital  
12 programs."

13           So I believe that this budget bill  
14 is actually requiring there being a lined-out  
15 document or MOU before money can be spent. Would  
16 the sponsor agree with me that we should be  
17 getting that before money is appropriated?

18           SENATOR DeFRANCISCO: We don't have  
19 to approve a list. We have to get a listing of  
20 specifically what they're going to use the  
21 additional money for.

22           SENATOR KRUEGER: Through you,  
23 Mr. President, if the sponsor --

24           SENATOR DeFRANCISCO: And by the  
25 way, with respect to your prior remarks about not

1 being able to read the -- or find all of the  
2 different parts of this infrastructure account,  
3 they were -- most of them were in the fact sheet  
4 that we provided you with today.

5 And also, the other 1.5 was from  
6 another part of the budget -- namely, the  
7 economic development program some call the Hunger  
8 Games. So it all added up, they were just in two  
9 different places.

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

13 SENATOR DeFRANCISCO: Yes.

14 ACTING PRESIDENT GRIFFO: The  
15 sponsor yields.

16 SENATOR KRUEGER: Yes, I am very  
17 glad we have these reports on each bill put on  
18 our desks. I think the sponsor might remember we  
19 had a budget reform law that passed in 2007 that  
20 requires these kinds of reports, and I think  
21 we're all very glad we have them in comparison to  
22 the system before.

23 And again, I believe the sponsor is  
24 correct that the list does not have to be voted  
25 on, but it has to be shared. But we have not



1     seen that list as of now.

2                 SENATOR DeFRANCISCO:     Well, the  
3     reason is they haven't made the list yet, not  
4     making decisions yet as to where the funding is  
5     going to be used. We just confirmed the chairman  
6     of the Thruway Authority I think yesterday, and  
7     she hasn't had time yet to do that.

8                 With respect to the sheets, I agree  
9     with you, this is extremely helpful to me. I  
10    remember when I sat in your chair, and I remember  
11    we got no lists, we got no --

12                SENATOR KRUEGER:     We did, actually.  
13    That was post-2007. You had the reports.

14                SENATOR DeFRANCISCO:     But we got  
15    not answers whatsoever from your predecessor.  
16    And I've got video of those, just so you know.  
17    We're trying to cooperate as best we can.

18                SENATOR KRUEGER:     Through you,  
19    Mr. President, what was the line of Mr. Gianaris  
20    yesterday about the New Deal?

21                I'm sorry, may I ask Senator  
22    Gianaris to yield, please.

23                ACTING PRESIDENT GRIFFO:     Senator  
24    Krueger, would -- sure. Senator Gianaris, do you  
25    yield?

1 (Laughter.)

2 SENATOR KRUEGER: Thank you.

3 ACTING PRESIDENT GRIFFO: Without  
4 objection.

5 SENATOR GIANARIS: What you said,  
6 Mr. President.

7 (Laughter.)

8 SENATOR KRUEGER: So we're going  
9 back in history again, Senator Gianaris, to a  
10 predecessor who's no longer here but apparently  
11 there's video of him. What would be your  
12 response about going back in history and budget  
13 discussions?

14 SENATOR GIANARIS: I believe  
15 yesterday I indicated that the statute of  
16 limitations has expired on going too far back,  
17 unless they want us to invoke the Republicans'  
18 opposition to the New Deal, which was apparently  
19 through the '30s and '40s, Senator Hannon.

20 (Laughter.)

21 SENATOR KRUEGER: Thank you.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Gianaris.

24 Senator Krueger, are you on the  
25 bill?

1                   SENATOR KRUEGER:    I am on the bill,  
2   thank you.

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

5                   SENATOR KRUEGER:    I do want to  
6   thank my colleagues, the two sponsors who got up  
7   to answer questions.

8                   The capital budget is an enormously  
9   important budget bill.  We're talking about  
10  almost \$8 billion in money for an incredibly  
11  broad range of capital issues throughout the  
12  state, throughout every agency of the state.

13                  There are some good things in this  
14  bill.  It expands infrastructure money for  
15  localities, an issue that I have been crucially  
16  aware of that we are, I feel, starving our  
17  localities for basic infrastructure money as we  
18  put more and more money into these, as my  
19  colleague referred, these Hunger Game  
20  competitions that too often don't put any money  
21  into basic infrastructure.

22                  The strength of an economy, the  
23  strength of our state, from the northern end to  
24  the southern tip of Long Island, requires that we  
25  have a solid infrastructure, we have roads and

1 bridges, we have clean water, we can assure  
2 people, if they come to live here or if they come  
3 to do business here or open up new businesses  
4 here, that we have the basics that they need to  
5 make sure that they can live their life and be  
6 successful.

7                   We need quality workers for them to  
8 hire who have been educated in the great  
9 K-through-college educational system. They need  
10 to be assured that when they turn on the  
11 electricity, it will go on and stay on; when they  
12 turn on the water, clean water will come out for  
13 them to drink. And so much of this money is  
14 being spent appropriately for the future of the  
15 State of New York and the infrastructure.

16                   I no doubt could find a number of  
17 things here that I would say was not being spent  
18 correctly or that I am disappointed have remained  
19 in this final budget bill, in this final capital  
20 budget bill. But tonight I am comfortable voting  
21 yes on this, Mr. President.

22                   Thank you.

23                   ACTING PRESIDENT GRIFFO:    Senator  
24 Espaillat.

25                   SENATOR ESPAILLAT:    Thank you,

1 Mr. President. Would the sponsor yield for a  
2 couple of questions?

3 ACTING PRESIDENT GRIFFO: The  
4 sponsor yields.

5 SENATOR DeFRANCISCO: If it's not  
6 about the three-card monte.

7 (Laughter.)

8 SENATOR ESPAILLAT: I am still  
9 looking for the red. Perhaps I'll find it today.

10 Through you, Mr. President. We were  
11 visited by the NYCHA chair, and the New York City  
12 mayor has expressed an interest in capturing  
13 capital dollars to improve the conditions of  
14 NYCHA-complex buildings and has even pledged to  
15 match capital dollars up to \$300 million. Is  
16 there any capital monies for NYCHA in this bill?

17 SENATOR DeFRANCISCO: Yes, just a  
18 mere \$100 million.

19 SENATOR ESPAILLAT: Okay.

20 SENATOR DeFRANCISCO: That's not  
21 bad.

22 SENATOR ESPAILLAT: That's not bad.  
23 Well, thank you for that.

24 And originally the Governor put on  
25 the table the New York/New York IV program to

1 fund affordable housing and housing also for  
2 Mitchell-Lama middle-income homes. Is there any  
3 funding for that particular program in the  
4 budget?

5 SENATOR DeFRANCISCO: There's  
6 \$124.5 million for supportive housing. And also  
7 I know there's Mitchell-Lama on this,  
8 \$25 additional million.

9 SENATOR ESPAILLAT: So through you,  
10 Mr. President, if the sponsor will yield.

11 ACTING PRESIDENT GRIFFO: The  
12 sponsor yields.

13 SENATOR ESPAILLAT: So there is an  
14 additional \$25 million on top of the 124 for  
15 New York/New York for Mitchell-Lama housing in  
16 particular?

17 SENATOR DeFRANCISCO: Correct.

18 SENATOR ESPAILLAT: Okay, very  
19 good.

20 Now, HCR, the office for Housing and  
21 Community Renewal, what is the total budget for  
22 HCR? And is that in that particular bill?

23 SENATOR DeFRANCISCO: I don't have  
24 that information. We can tell you what the  
25 capital is. The entire capital is \$91.2 million.

1 The capital is 91.2, adding to it the  
2 \$439,549,000 which is in the listing of the  
3 capital additions.

4 SENATOR ESPAILLAT: Thank you. I  
5 want to thank the sponsor.

6 Mr. President, on the bill.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Espaillat on the bill.

9 SENATOR ESPAILLAT: For the first  
10 time in many years, we have been able to capture  
11 funding for NYCHA buildings in the City of  
12 New York. Some years back, many years back, we  
13 abandoned them, and these structures have  
14 suffered deterioration. We were able to get some  
15 funding through the stimulus package when we  
16 federalized a number of them, over 30 of those  
17 complexes that were not part of the federal  
18 program. And that capital funding proved to be  
19 very effective in improving the conditions of  
20 those buildings and the apartments within.

21 So this \$100 million assigned to  
22 NYCHA, although shorter than what we proposed as  
23 a conference -- because we felt that a good  
24 portion of the settlement money, the \$5 billion  
25 settlement money should go to this endeavor -- is

1 a step in the right direction.

2 In addition, the 124 for  
3 New York/New York, which proposes to finance  
4 statewide multi-agency supportive housing  
5 programs to provide housing and support services  
6 for vulnerable New Yorkers, is also a step in the  
7 right direction.

8 We're hoping that the HCR housing  
9 agency will stay whole as we finish this budget.  
10 And, Mr. President, at least we found one of the  
11 reds today that we were looking for yesterday. I  
12 will be voting in the affirmative on this bill.

13 ACTING PRESIDENT GRIFFO: Senator  
14 Panepinto.

15 SENATOR PANEPINTO: Mr. President,  
16 will the speaker entertain some questions, or the  
17 sponsor entertain some questions?

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

20 SENATOR DeFRANCISCO: Yes.

21 ACTING PRESIDENT GRIFFO: The  
22 Senator yields.

23 SENATOR PANEPINTO: Senator  
24 DeFrancisco, on the economic development portion  
25 of the capital bill, there's a change from the



1 competitive process. Is Western New York going  
2 to be part of the competitive process that's now  
3 put in place?

4 SENATOR DeFRANCISCO: No. In  
5 addition to the \$1 billion without competition  
6 that you got, there's another \$400 million in  
7 this budget, since you were not included in the  
8 Hunger Games, that you will have available to you  
9 in this budget.

10 SENATOR PANEPINTO: So it's the  
11 \$400 million separate appropriation which Western  
12 New York can compete for?

13 SENATOR DeFRANCISCO: Not compete,  
14 get.

15 SENATOR PANEPINTO: Get, okay.

16 SENATOR DeFRANCISCO: If you want  
17 to compete, we can add it to the pot.

18 SENATOR PANEPINTO: If the Governor  
19 and you took it out of the competition --

20 ACTING PRESIDENT GRIFFO: Senator  
21 Panepinto, are you asking the sponsor to continue  
22 to yield?

23 SENATOR PANEPINTO: Yes, please.

24 ACTING PRESIDENT GRIFFO: Okay.

25 Senator DeFrancisco yields.

1                   SENATOR PANEPINTO:    So will there  
2   be regional competitions?  How will the money  
3   then be distributed, the \$1.5 billion?

4                   SENATOR DeFRANCISCO:    The 1.5,  
5   there's seven regions listed in the budget, all  
6   upstate.  Three of them will be winners for  
7   additional funds.  But the losers aren't going to  
8   be losers, because there's still economic  
9   development money at the REDC tables.  And they  
10  won't be excluded from funding, they just won't  
11  get as much funding as three winners in this  
12  competition.

13                  SENATOR PANEPINTO:    Will the  
14  sponsor continue to yield?

15                  ACTING PRESIDENT GRIFFO:    The  
16  sponsor yields.

17                  SENATOR DeFRANCISCO:    Yes.

18                  SENATOR PANEPINTO:    Who will make  
19  the decision on those funding requests?

20                  SENATOR DeFRANCISCO:    It goes right  
21  through the same Economic Development Councils.  
22  And there's an overall super-duper body in Albany  
23  that makes recommendations and supposedly makes  
24  the decisions, but I've got a feeling there may  
25  be some Governor input.

1                   SENATOR PANEPINTO:   Will the  
2 speaker continue to yield?

3                   ACTING PRESIDENT GRIFFO:   The  
4 sponsor yields.

5                   SENATOR DeFRANCISCO:   Yes.

6                   SENATOR PANEPINTO:   On higher  
7 education, what's the allocation for SUNY and  
8 CUNY for capital projects in our capital budget?

9                   SENATOR DeFRANCISCO:   Well, CUNY, I  
10 got that right here.   It's \$160.9 million total.  
11 And SUNY, if this is in alphabetical order,  
12 \$462,427,000.

13                  SENATOR PANEPINTO:   Will the  
14 sponsor continue to yield?

15                  SENATOR DeFRANCISCO:   Yes.

16                  ACTING PRESIDENT GRIFFO:   The  
17 sponsor yields.

18                  SENATOR PANEPINTO:   Was there  
19 consideration given to the five-year capital plan  
20 that both SUNY and CUNY lobbied for?   And what  
21 was the reasoning behind not going in that  
22 direction?

23                  SENATOR DeFRANCISCO:   It's not in  
24 the budget.

25                  SENATOR PANEPINTO:   It's not in the

1 budget.

2 SENATOR DeFRANCISCO: You're  
3 talking about additional funds for capital?

4 SENATOR PANEPINTO: Yes.

5 SENATOR DeFRANCISCO: For SUNY and  
6 CUNY, there's no additional funds. That is  
7 correct, there's no additional funds.

8 In the capital plan it's listed as  
9 sort of a wish list, but there's no appropriation  
10 for it.

11 SENATOR PANEPINTO: And will the  
12 sponsor continue to yield?

13 SENATOR DeFRANCISCO: Yes.

14 ACTING PRESIDENT GRIFFO: The  
15 sponsor yields.

16 SENATOR PANEPINTO: Isn't it true  
17 that we've just finished two five-year  
18 consecutive plans for SUNY funding for capital  
19 projects?

20 SENATOR DeFRANCISCO: The last one  
21 that was approved was completed two years ago.

22 SENATOR PANEPINTO: Okay. Will the  
23 sponsor continue to yield?

24 SENATOR DeFRANCISCO: Yes.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR PANEPINTO: On the question  
3 of -- under the "Labor" portion of the capital  
4 budget, there's a \$60 million appropriation for  
5 information technology for the Workers'  
6 Compensation Board. Is there any detail to that,  
7 of what that's going to go towards?

8 SENATOR DeFRANCISCO: I'll check  
9 for you.

10 It's a capital appropriation to  
11 upgrade their software and hardware for claims  
12 administration.

13 SENATOR PANEPINTO: Will the  
14 speaker continue to yield?

15 SENATOR DeFRANCISCO: Yes.

16 ACTING PRESIDENT GRIFFO: The  
17 sponsor yields.

18 SENATOR DeFRANCISCO: This isn't  
19 the Assembly; I'm not the speaker. I just want  
20 you to be clear about that.

21 SENATOR PANEPINTO: The sponsor, I  
22 apologize.

23 SENATOR DeFRANCISCO: All right.

24 SENATOR PANEPINTO: Is that  
25 \$60 million going to be spent this year, or is

1     that a continuing program?

2                 SENATOR DeFRANCISCO:     Well, the  
3     intent is to get this system up and operating as  
4     quickly as possible.  But they anticipate that  
5     the program will take five years to complete.

6                 SENATOR PANEPINTO:     Will the  
7     sponsor continue to yield?

8                 SENATOR DeFRANCISCO:     I'm getting  
9     kind of tired now, but go ahead.

10                (Laughter.)

11                SENATOR PANEPINTO:     I apologize.  
12     I'll wrap it up.

13                ACTING PRESIDENT GRIFFO:     The  
14     sponsor yields.

15                SENATOR PANEPINTO:     Under the  
16     \$150 million for severe weather acts, how will  
17     that be determined or how will that money be  
18     distributed?

19                SENATOR DeFRANCISCO:     Well, it's  
20     additional CHIPS money, if I'm not mistaken.  
21     Fifty million?  Which one are you referring to?  
22     I'm sorry.

23                ACTING PRESIDENT GRIFFO:     He was  
24     referring to severe weather, he said.

25                SENATOR PANEPINTO:     Severe weather,

1 acts of terrorism. It was a \$150 million  
2 appropriation.

3 SENATOR DeFRANCISCO: I got  
4 50 million of it so far, for DOT trucks or  
5 equipment. Forty million for counterterrorism.  
6 And 60 million for police equipment for local law  
7 enforcement.

8 SENATOR PANEPINTO: On the bill.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Panepinto on the bill.

11 SENATOR PANEPINTO: Thank you,  
12 Senator DeFrancisco.

13 I'll be voting aye on the capital  
14 spending bill, but I'm disappointed that the  
15 Governor and the Senate Republicans didn't  
16 consider the five-year programs that SUNY and  
17 CUNY wanted or the five-year DOT appropriation.

18 But all in all, the capital budget,  
19 you know, looks like it's moving forward, and I'm  
20 a yes on it.

21 ACTING PRESIDENT GRIFFO: Senator  
22 Squadron.

23 SENATOR SQUADRON: Thank you,  
24 Mr. President. If the sponsor, having taken a  
25 brief rest, would yield.

1                   ACTING PRESIDENT GRIFFO:    The  
2   sponsor yields.

3                   SENATOR DeFRANCISCO:    Rest won't  
4   help me here, but go ahead.

5                   (Laughter.)

6                   SENATOR SQUADRON:    Thank you very  
7   much.  It's a marathon, not a sprint, Senator.

8                   As Senator Espaillat talked about,  
9   I'm also pleased to see the NYCHA amount.  I  
10  noticed you had said it was \$100 million, through  
11  you, Mr. President.  Which, you know, is no small  
12  amount.

13                   I wanted to ask on page 748 of this  
14  bill, I see \$150 million, at the top of that  
15  page, for severe weather.  And I just wanted to  
16  know what --

17                   SENATOR DeFRANCISCO:    We just  
18  discussed that.  That was the last question I  
19  answered.

20                   SENATOR SQUADRON:    Yes.  Fifty  
21  million for trucks, I heard about that.

22                   SENATOR DeFRANCISCO:    Fifty million  
23  for trucks.  And these have great emission  
24  systems, because they're new.

25                   (Laughter.)



1                   SENATOR DeFRANCISCO:   And then  
2     \$60 million for equipment for police, and  
3     40 million for something else. Counterterrorism.

4                   SENATOR SQUADRON:   Thank you.   So  
5     if the sponsor would continue to yield.

6                   SENATOR DeFRANCISCO:   Yes.

7                   ACTING PRESIDENT GRIFFO:   The  
8     sponsor yields.

9                   SENATOR SQUADRON:   So is there  
10    another part of this bill that has a weather  
11    system -- weather detection system, as was at  
12    some point under discussion in this budget?

13                  SENATOR DeFRANCISCO:   No, it's --  
14    it's -- I don't know why it was termed "weather  
15    detection." But of the three components, what  
16    it's earmarked for. Well, "earmarked" is a bad  
17    word. What it's programmed for.

18                  SENATOR SQUADRON:   Thank you.   If  
19    the sponsor would continue to yield.

20                  ACTING PRESIDENT GRIFFO:   The  
21    sponsor yields.

22                  SENATOR DeFRANCISCO:   Yes.

23                  SENATOR SQUADRON:   If the sponsor  
24    would go to the part of the budget that  
25    appropriates capital for the MTA.

1           SENATOR DeFRANCISCO:    Okay.

2           SENATOR SQUADRON:    What's the total  
3 amount of capital appropriated for the MTA?

4           SENATOR DeFRANCISCO:    Okay, the  
5 total amount is -- well, the \$750 million for  
6 general capital needs, and \$250 million for  
7 Penn Station access.

8           SENATOR SQUADRON:    And is the total  
9 amount -- if the sponsor would continue to yield.

10          SENATOR DeFRANCISCO:    One billion.

11          SENATOR SQUADRON:    If the sponsor  
12 would continue to yield --

13          SENATOR DeFRANCISCO:    Yes.

14          SENATOR SQUADRON:    -- is the total  
15 amount -- how much less than the Governor  
16 proposed is the total amount?

17          SENATOR DeFRANCISCO:    I don't  
18 believe we reduced it. But I may be wrong.

19          SENATOR SQUADRON:    If the sponsor  
20 would continue to yield.

21          ACTING PRESIDENT GRIFFO:    The  
22 sponsor yields.

23          SENATOR SQUADRON:    I believe  
24 there's a reduction of \$150 million from the  
25 Governor's proposal? Forgive me.

1           SENATOR DeFRANCISCO:   No, that  
2     \$150 million was not an MTA capital money.

3           SENATOR SQUADRON:    For  
4     transit-oriented development?

5           SENATOR DeFRANCISCO:   Transit-  
6     oriented development.  Does that go to the MTA?

7           That was specifically for parking  
8     garages, I'm being told.  And that money is -- so  
9     that's still in the budget, along with the other  
10    billion.  (Conferring off the record.)

11          That's correct, but I'm told that  
12    the ultimate budget didn't limit it to parking  
13    garages, as the Governor had in his budget.  
14    There was broader language that it could be used  
15    for other capital projects.

16          SENATOR SQUADRON:    If the sponsor  
17    would continue to yield.  My understanding is it  
18    was for parking garages around Long Island  
19    Railroad stations in particular.  And if I  
20    understand the sponsor, it does exist elsewhere  
21    in this budget in this bill, or in another bill,  
22    and if so -- well, in any case, where?  In any  
23    case, where, I think is the form of the question.

24          SENATOR DeFRANCISCO:   The 150 is  
25    still there, but it's just a language change.

1 It's in this bill, correct? Yes.

2 SENATOR SQUADRON: If the sponsor  
3 would continue to yield.

4 ACTING PRESIDENT GRIFFO: The  
5 sponsor yields.

6 SENATOR SQUADRON: Thank you. So  
7 the language changed and the location changed,  
8 but the appropriation is the same?

9 SENATOR DeFRANCISCO: The  
10 appropriation is the same. The language was  
11 broadened so the MTA was not limited to garages.

12 It's under "Special Infrastructure."  
13 We can give you the correct page.

14 SENATOR SQUADRON: If the sponsor  
15 would continue to yield. So is it still for  
16 MTA-related projects?

17 SENATOR DeFRANCISCO: Yes, but it  
18 gives MTA more discretion.

19 SENATOR SQUADRON: Okay.

20 SENATOR DeFRANCISCO: I don't know  
21 how I can explain it --

22 SENATOR SQUADRON: No, no, thank  
23 you. I appreciate that.

24 We're figuring out an understanding.  
25 Sometimes these questions and answers are a

1 public opportunity, sometimes they're an  
2 opportunity to understand a bill that is fresh in  
3 our minds, and this is the latter case.

4 If the sponsor would continue to  
5 yield.

6 SENATOR DeFRANCISCO: Okay.

7 ACTING PRESIDENT GRIFFO: The  
8 sponsor yields.

9 SENATOR SQUADRON: So in total,  
10 what will be the annual deficit to the current  
11 proposed MTA capital plan after this budget is  
12 passed?

13 SENATOR DeFRANCISCO: I'm being  
14 told there's no current plan by the MTA.

15 SENATOR SQUADRON: If the sponsor  
16 would continue to yield.

17 SENATOR DeFRANCISCO: As far as  
18 what their actual deficit is, as we sit here  
19 today? There's no plan as far as how they're  
20 going to --

21 SENATOR SQUADRON: Just a  
22 clarification of the question. I said the  
23 proposed plan.

24 SENATOR DeFRANCISCO: The Executive  
25 did not accept the plan, and it was never

1 implemented. It was vetoed in a prior bill.

2 SENATOR SQUADRON: If the sponsor  
3 would continue to yield.

4 SENATOR DeFRANCISCO: Yes.

5 SENATOR SQUADRON: Does the sponsor  
6 know the sort of rule of thumb for fare hikes or  
7 toll hikes, for that matter, in relation to  
8 capital deficits?

9 SENATOR DeFRANCISCO: I don't know  
10 what the rule of thumb is on just about anything.  
11 We try to be -- you know, we try to have specific  
12 lines and specific dollar amounts that are in the  
13 budget. But as far as a rule of thumb by  
14 whatever agency or whatever thumb is being used,  
15 I don't know. We act with more precision here.

16 (Laughter.)

17 SENATOR SQUADRON: If the sponsor  
18 would continue to yield.

19 ACTING PRESIDENT GRIFFO: The  
20 sponsor will yield.

21 SENATOR DeFRANCISCO: Yes.

22 SENATOR SQUADRON: Is it  
23 sufficiently precise to say that you would have a  
24 1 percent toll or fare increase for every billion  
25 dollars in capital deficit?

1                   SENATOR DeFRANCISCO:    I don't know.  
2   I have no idea.  But we have the same problem in  
3   upstate transit, and it was a real fight to get  
4   capital and operating.  So it's not limited to  
5   the MTA.

6                   Unfortunately, we can't get  
7   everything we want when we want it.  So it may  
8   not be all that's needed, but we're suffering the  
9   same thing throughout the state.  We do the best  
10  we can.

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

13                  SENATOR DeFRANCISCO:   Yes.

14                  ACTING PRESIDENT GRIFFO:   The  
15  sponsor yields.

16                  SENATOR SQUADRON:    I was pleased to  
17  see, in fact, an increase in capital funds for  
18  the other transit systems in the state.

19                  And also just to -- not to look  
20  backwards, but to look forwards, last evening we  
21  also discussed there being no operating increase  
22  for upstate transit, but I think there was in  
23  fact a 5 or 10 percent increase in operating as  
24  well.  So those increases are appropriate and, as  
25  the sponsor says, probably insufficient.

1                   Is it the sponsor's view that the  
2                   upstate transit system should get a higher  
3                   increase than the MTA or that they should be  
4                   proportional?

5                   SENATOR DeFRANCISCO:    No, I think  
6                   everybody should be treated in the same  
7                   proportional way, unless there's like a hospital  
8                   in Brooklyn that keeps getting more money every  
9                   year to operate.  There's some emergency  
10                  situations that last for years and years and  
11                  years; sometimes you've got to bite the bullet  
12                  and pay for those.

13                 But as far as upstate New York is  
14                 concerned, in the Governor's budget there was no  
15                 operating or capital increase until the  
16                 Legislature got involved.

17                 So -- but we should do it as  
18                 proportional as we can unless there's an  
19                 emergency situation.

20                 SENATOR SQUADRON:    If the sponsor  
21                 would continue to yield.

22                 SENATOR DeFRANCISCO:    Yes.

23                 ACTING PRESIDENT GRIFFO:    The  
24                 sponsor yields.

25                 SENATOR SQUADRON:    Just a final



1 question.

2 I notice that in the \$100 million  
3 for NYCHA, that I think is important and is the  
4 reason I'm going to be voting for this bill that  
5 Senator Espaillat and you discussed previously,  
6 how many different agencies need to be involved  
7 before that money is actually released for NYCHA  
8 to use to fix its roofs and begin to keep itself  
9 in a state of good repair?

10 SENATOR DeFRANCISCO: I'm getting  
11 the answer, I hope. (Conferring off the record.)

12 HCR proposes a plan in conjunction  
13 with the City of New York and the Department of  
14 Transportation -- excuse me. DHCR establishes a  
15 plan in consultation with NYCHA and it's approved  
16 by the Department of Budget.

17 SENATOR SQUADRON: If the sponsor  
18 would continue to yield.

19 And DASNY as well, and the Dormitory  
20 Authority as well, actually disburses the  
21 dollars; is that correct? With the Department of  
22 Budget circling back in there at the end.

23 SENATOR DeFRANCISCO: Okay, I  
24 agree.

25 SENATOR SQUADRON: Thank you.

1                   On the bill.

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

4                   SENATOR SQUADRON:     Look, we talked  
5                   about three different issues here.   The issue  
6                   that Senator Panepinto raised for the  
7                   \$150 million that I appreciate the description of  
8                   by the sponsor but is not described in any detail  
9                   in the budget, we've had many different answers  
10                  over the last couple of months on what's  
11                  happening with that \$150 million.   We have  
12                  \$100 million for the New York City Housing  
13                  Authority.   And we have \$150 million for the MTA  
14                  that has disappeared but I'm being told is still  
15                  there for the MTA.

16                  These three dollar amounts seem  
17                  unrelated.   But when you look at it and when you  
18                  look at some of the priorities, I think it's  
19                  important to raise the question why is it that  
20                  the New York City Housing Authority, the largest  
21                  public landlord in this state by a long shot,  
22                  needs to struggle for any dollars -- and again,  
23                  \$100 million is a big step forwards from where  
24                  we've been, and that has to be acknowledged --  
25                  but then needs a five-agency process to access

1     that money?

2                     Why is it that the MTA and the  
3     upstate transit authorities, for that matter,  
4     need to struggle and beg for every dollar and  
5     have \$150 million disappear, have at best a  
6     vagueness of the consequences of underfunding  
7     their capital plan, when these transit agencies  
8     and the MTA in particular are the lifeline for  
9     economies in every single city in our state and  
10    in the entire downstate region, not just in  
11    New York City, from Suffolk County to  
12    Nassau County through the five boroughs, through  
13    Westchester and Rockland?

14                    At the same time that \$150 million  
15    that have the words "severe weather," have the  
16    word "terrorism" -- all very important. You  
17    don't need to tell me, as a representative of  
18    Lower Manhattan, how important these issues are,  
19    either of them -- just kind of goes through and  
20    we get a description. And again, I appreciate we  
21    got some sort of description here at the eleventh  
22    hour.

23                    I really do think that there's  
24    something wrong with this budget process. We  
25    need more transparency in the process. We should

1 have closed the tables down. We should have had  
2 more representation in the so-called room when it  
3 was being negotiated. Because we know that we  
4 need to fix NYCHA. That's a critical thing for  
5 more than 400,000 New Yorkers; it is their home.  
6 We know we need to fix the MTA capital plan, we  
7 need our buses and subways and our upstate  
8 transit systems running, kept in a state of good  
9 repair and expanded.

10 And we certainly need to do a lot to  
11 prepare for severe weather and terrorism, but we  
12 need to do it in a way where we understand as a  
13 Legislature, all 63 of us in the Senate, what it  
14 is we're doing and why it's money well-spent.

15 I will be voting yes on this bill.  
16 I do support the funding that is in here for the  
17 MTA. I do support the funding that's in here for  
18 NYCHA; that is a big step forward in Albany by  
19 any measure. But I do wish that we had a  
20 different process to get here.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Panepinto.

24 SENATOR PANEPINTO: Mr. Speaker,  
25 would the sponsor kindly yield to one more

1 question from me?

2 ACTING PRESIDENT GRIFFO: Senator  
3 DeFrancisco, will you yield to a question from  
4 Senator Panepinto?

5 SENATOR DeFRANCISCO: Yes.

6 ACTING PRESIDENT GRIFFO: He does.

7 SENATOR PANEPINTO: Senator, you  
8 told me that the \$400 million in the economic  
9 development was available to Buffalo. I've got  
10 in front of me the bill language, and it says --  
11 it references the \$400 million and says the funds  
12 shall not be available from this appropriation  
13 for projects within regions that are eligible to  
14 receive funding from the Upstate Revitalization  
15 Initiative or the Buffalo Regional Innovation  
16 Cluster program.

17 What's the Buffalo Innovation  
18 Regional Cluster program that exempts us from the  
19 \$400 million in funding?

20 SENATOR DeFRANCISCO: It's  
21 \$400 million. We talked about the competition;  
22 that's understood. It's another pot of money for  
23 Western New York that is not included in the  
24 additional Buffalo Billion.

25 So I guess you could say that it's

1 -- correct me if I'm wrong -- that the 400 -- you  
2 don't have the full billion yet, if I'm not  
3 mistaken.

4 SENATOR PANEPINTO: That's correct.

5 SENATOR DeFRANCISCO: And you're  
6 short maybe a few hundred million, right?

7 So I think this could be used in  
8 support of those projects not otherwise -- not  
9 otherwise started towards the -- to use it  
10 towards the Buffalo Billion, but not on projects  
11 that have already been accounted for.

12 (Conferring off the record.)

13 SENATOR PANEPINTO: Mr. President,  
14 I'm not sure if we're still formulating an answer  
15 or --

16 ACTING PRESIDENT GRIFFO: Yes, we  
17 are, Senator Panepinto.

18 SENATOR PANEPINTO: Okay, I wasn't  
19 sure.

20 ACTING PRESIDENT GRIFFO: Be  
21 patient.

22 SENATOR DeFRANCISCO: We're still  
23 forming an answer. And it will come out when  
24 it's percolated.

25 ACTING PRESIDENT GRIFFO: Senator

1 DeFrancisco.

2 SENATOR DeFRANCISCO: All right, I  
3 misspoke before, you're absolutely right.

4 There's seven regions that are  
5 eligible, three that are not: Buffalo, because  
6 they got the Buffalo Billion, Long Island, and  
7 New York City. So the \$400 million is basically  
8 available to Long Island and New York City, if  
9 I'm not mistaken. Yes, that's the way it is. I  
10 misspoke before.

11 SENATOR PANEPINTO: Thank you very  
12 much.

13 ACTING PRESIDENT GRIFFO: Thank  
14 you, Senator Panepinto.

15 Senator Klein.

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

18 I don't have any questions for the  
19 sponsor, I just wanted to highlight --

20 ACTING PRESIDENT GRIFFO: Senator  
21 Klein on the bill.

22 SENATOR KLEIN: -- two important  
23 pieces of the capital portion of the budget.

24 Certainly I do want to thank my  
25 colleague Senator Adriano Espaillat for his

1 advocacy on behalf of the Housing Authority.

2 But I also want to make it clear  
3 that this is the first time since 1998 that the  
4 State of New York in our budget has ever given  
5 any money to the New York City Housing Authority.  
6 And I really want to thank any colleagues in the  
7 Republican Conference, especially Senator Skelos,  
8 for joining us in really making this happen.

9 Clearly this was not something that  
10 was in the Governor's proposed budget, this was  
11 \$50 million that came from the Assembly and this  
12 is \$50 million that came from the State Senate  
13 from last year's JPMorgan settlement.

14 Again, I think this is a very  
15 important down payment on that money. And I  
16 think by having DHCR and these other agencies  
17 provide oversight, I think it's important.

18 I really unfortunately do not have  
19 faith that the New York City Housing Authority  
20 can actually make these repairs and make them on  
21 their own in a timely fashion. I'm not saying  
22 that the new NYCHA chair isn't working very hard  
23 and isn't very qualified. But I think everyone  
24 knows that NYCHA has a history of really ignoring  
25 these repairs, not making them in a timely



1 fashion, and the tenants are the ones that  
2 suffer.

3           Myself and some of my colleagues in  
4 this room put out a report a couple of months ago  
5 which actually, according to investigations in  
6 really the entire City of New York of NYCHA  
7 units, we found leaky ceilings, roofs that needed  
8 repairs for probably over the last 10 years,  
9 intercom systems, dangerous conditions in  
10 hallways -- where NYCHA can very well be  
11 considered the worst landlord in the City of  
12 New York.

13           So I think the oversight that we're  
14 going to provide under this budget bill I think  
15 is something that is important. I think  
16 certainly the eyes of the state are looking to  
17 see to make sure that this hundred million  
18 dollars gets to the NYCHA developments and  
19 actually goes in the form of repairs -- it's  
20 something that's very important.

21           The other piece that I want to  
22 highlight is something that I think is again  
23 something very important, something that I  
24 advocated for for quite some time. It's the  
25 \$250 million for the MTA for the Metro-North

1 Railroad access to Penn Station in my home county  
2 of the Bronx.

3           Myself and the borough president,  
4 Ruben Díaz, Jr., three years ago put out a study  
5 where we advocated for these stations. This is  
6 truly going to be a game-changer for the  
7 communities in the Bronx that actually are going  
8 to be home to these Metro-North stations. One is  
9 going to be in Co-op City, one is going to be in  
10 Parkchester, one is going to be in Hunts Point,  
11 and one in Morris Park.

12           One of the problems that these  
13 communities all shared over the years is that in  
14 order to get into Manhattan to go to work or just  
15 leisure, or even to go in the reverse direction  
16 to Westchester or Connecticut, it was probably a  
17 one-hour commute. You know, clearly that's not  
18 causing a community for people to want to live  
19 there or be able to even get a job in Manhattan  
20 or other places.

21           When these Metro-North stations are  
22 up and running, the commute is now going to be 19  
23 to 20 minutes -- 19 to 20 minutes, they'll be  
24 able to get to Penn Station. This is going to  
25 not only change the economic climate in the

1 Bronx, but also really benefit these communities.

2 So this is not only a very, very  
3 important transportation project that we've been  
4 advocating for for a long time, but it's an  
5 important economic development tool as well. So  
6 of course I'm going to vote yes on this capital  
7 portion of the budget.

8 Thank you.

9 ACTING PRESIDENT GRIFFO: Seeing  
10 and hearing no other Senator that wishes to be  
11 heard -- Senator Dilan.

12 SENATOR DILAN: Yes, I would like  
13 to ask the sponsor questions.

14 ACTING PRESIDENT GRIFFO: Senator  
15 DeFrancisco, do you yield to Senator Dilan?

16 SENATOR DeFRANCISCO: Yes.

17 SENATOR DILAN: Through you, sir,  
18 with respect to DOT and MTA, I know in previous  
19 years it has been the tradition of this body or  
20 of this state to vote on a capital plan. And I  
21 believe that the capital plan for both the MTA  
22 and DOT expire this year.

23 I would like to know if we're voting  
24 on a capital plan for MTA and DOT. Is it a  
25 one-year plan, two-year plan, three-year plan,

1 four-year plan or a five-year plan? And where is  
2 the plan? Because I know that the MTA originally  
3 came out with a plan of \$32.5 billion, which was  
4 immediately rejected by the commissioner of DOT,  
5 who's a member of the Capital Review Board. Can  
6 you let me know what's going on with those plans,  
7 sir?

8 SENATOR DeFRANCISCO: Yeah, the  
9 Executive rejected the MTA plan because there's a  
10 \$15 billion gap. And we're not going to get to  
11 the plans during the budget process, it's going  
12 to have to be done at a later date this session,  
13 if there can be an agreement.

14 SENATOR DILAN: So the sponsor  
15 continues?

16 ACTING PRESIDENT GRIFFO: The  
17 sponsor yields.

18 SENATOR DILAN: So you're telling  
19 me that we're not voting on any capital plan for  
20 MTA or DOT at this time?

21 SENATOR DeFRANCISCO: That is  
22 correct, because of the rejection by the Governor  
23 of a plan that was proposed by MTA that had a  
24 \$15 billion gap.

25 We all understand the need to have a

1 plan. But the Governor, I think rightly, wants  
2 it to be a real plan without a gap in it that  
3 just pushes it down the road. So we're all  
4 trying to work towards that goal before the end  
5 of session.

6 SENATOR DILAN: So therefore that  
7 means the budget will be late. Thank you.

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

10 Seeing and hearing no Senator that  
11 wishes to be heard, debate is closed. The  
12 Secretary will ring the bell.

13 The Secretary will read the last  
14 section.

15 THE SECRETARY: Section 3. This  
16 act shall take effect immediately.

17 ACTING PRESIDENT GRIFFO: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator  
21 Dilan to explain his vote.

22 May I have some order in the house,  
23 please.

24 SENATOR DILAN: You know, I just  
25 rise -- I'm kind of inclined to vote no on this

1 bill. However, there are some good things in the  
2 capital plan. It does provide \$100 million for  
3 New York City Housing Authority, and I think  
4 that's perhaps the only reason why I would vote  
5 yes in this portion of the bill.

6 I'm very disappointed that we do not  
7 have a capital plan for the MTA or Department of  
8 Transportation. I know when the budget hearings  
9 started, as Senator Krueger knows, in early  
10 February, we asked the commissioner of DOT for  
11 her capital plan, which she never submitted to  
12 us. We asked her for a list of capital projects,  
13 which was never provided to this body. I think  
14 that that's a total disrespect to the legislative  
15 process that we do not have a list of projects  
16 for DOT.

17 And the fact that at least the MTA  
18 did do due diligence by providing their five-year  
19 plan, which was immediately rejected by the  
20 Capital Review Board, perhaps at the urging of  
21 the second floor -- I'm just very disappointed  
22 with the process that we are following here.

23 But I am voting yes --

24 ACTING PRESIDENT GRIFFO: Excuse  
25 me, could I have some order in the chamber,

1 please.

2 Senator Dilan.

3 SENATOR DILAN: I am voting yes,  
4 but I think that the public just needs to know  
5 that there's something definitely wrong with the  
6 process. When we as a Legislature cannot put  
7 together a five-year plan with sufficient time to  
8 do it, there is just something that is definitely  
9 broken here.

10 Thank you.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Dilan, how do you vote?

13 SENATOR DILAN: I vote aye.

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

16 Announce the results.

17 THE SECRETARY: Ayes, 60. Nays, 2.  
18 Senators Parker and Perkins recorded in the  
19 negative.

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 Senator LaValle.

23 SENATOR LaVALLE: Mr. President,  
24 once again on Supplemental Calendar Number 28A,  
25 can we have the noncontroversial reading of

1 Calendar Number 318.

2 ACTING PRESIDENT GRIFFO: We will  
3 have, on the supplemental calendar, Calendar  
4 Number 318 read. The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 318, Senate Budget Bill, Senate Print 4611,  
7 Concurrent Resolution of the Senate and Assembly.

8 ACTING PRESIDENT GRIFFO: Call the  
9 roll on the resolution.

10 (The Secretary called the roll.)

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

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

15 I believe that if someone does  
16 commit a crime, a felony, they should pay for  
17 their crime. But personally for myself, I have a  
18 30-year pension already in place. And I don't  
19 perceive myself committing a felony, but we do  
20 have overzealous prosecutors who do go after  
21 elected officials for some other reason. And it  
22 doesn't apply to everybody, and that's why I'm  
23 voting no on it.

24 And also the next reason why I'm  
25 voting no is for families, especially children



1 and wives and significant others who depend on  
2 pensions. Especially for mothers who were home  
3 caretakers of their children for most of their  
4 life, I just wouldn't want to see them adversely  
5 affected by any bad deeds of anyone.

6           So I just want to record the vote  
7 that I believe that a penalty should be applied  
8 to someone who commits a felony, but I don't  
9 think the family members should be jeopardized in  
10 having income for living from the pension. So I  
11 think the pension is a property right that should  
12 not be taken away for bad deeds of anyone.

13           Thank you very much.

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

16           Some order in the house, please.

17           Senator Hassell-Thompson to explain  
18 her vote.

19           SENATOR HASSELL-THOMPSON:   Thank  
20 you, Mr. President. I rise to explain my vote.

21           You know, I have some real  
22 difficulty with this bill. And I certainly am  
23 one who believes that people ought to serve time,  
24 do whatever's appropriate if they commit a crime.

25           But I think it's unconscionable for

1 us to sit here and talk about people who pay into  
2 their pension program and then you decide that  
3 the money that they have put in, you're going to  
4 take it back.

5 If you're in Tier 1, I can  
6 understand that, because those who were fortunate  
7 enough to have been in Tier 1, the state paid  
8 that pension. But for those who have been in the  
9 pension plan from Tier 3 on, the majority of that  
10 money is their money.

11 Therefore, I will never in this  
12 chamber vote to remove a pension as a part of the  
13 penalty. I vote no.

14 ACTING PRESIDENT GRIFFO: Senator  
15 Hassell-Thompson to be recorded in the negative.

16 Announce the results.

17 THE SECRETARY: In relation to  
18 Calendar 318, those recorded in the negative are  
19 Senators Comrie, Dilan, Hamilton,  
20 Hassell-Thompson, Montgomery, Parker, Peralta,  
21 Perkins, Sanders and Savino.

22 Ayes, 52. Nays, 10.

23 ACTING PRESIDENT GRIFFO: The  
24 resolution is adopted.

25 Senator LaValle, that completes the

1 reading of both the noncontroversial and  
2 controversial calendars before the house.

3 SENATOR LaVALLE: Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator  
5 LaValle.

6 SENATOR LaVALLE: I'd like to call  
7 an immediate meeting of the Finance Committee in  
8 Room 332.

9 ACTING PRESIDENT GRIFFO: There  
10 will be an immediate meeting of the  
11 Finance Committee in Room 332.

12 The Senate will stand temporarily at  
13 ease.

14 (Whereupon, the Senate stood at ease  
15 at 6:30 p.m.)

16 (Whereupon, the Senate reconvened at  
17 6:56 p.m.)

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

20 Senator LaValle.

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

23 Can we return to the reports of  
24 standing committees for the report --

25 ACTING PRESIDENT GRIFFO: We are

1 returning to reports of standing committees.

2 Senator LaValle.

3 SENATOR LaVALLE: I believe there's  
4 a report of the Finance Committee at the desk.  
5 May we please have it read at this time.

6 ACTING PRESIDENT GRIFFO: There is  
7 a report of the Finance Committee at the desk.

8 The Secretary will read.

9 THE SECRETARY: Senator  
10 DeFrancisco, from the Committee on Finance,  
11 reports the following bills:

12 Senate Print 2006B, Senate Budget  
13 Bill, enacts into law major components;

14 Senate 4612A, Senate Budget Bill, an  
15 act to amend a chapter of the Laws of 2015.

16 Both bills reported direct to third  
17 reading.

18 ACTING PRESIDENT GRIFFO: Senator  
19 LaValle.

20 SENATOR LaVALLE: Mr. President, I  
21 move we accept the report of the Finance  
22 Committee.

23 ACTING PRESIDENT GRIFFO: The  
24 question is on accepting the Finance Committee  
25 report before the house. All in favor signify by

1 saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT GRIFFO: Opposed?

4 (No response.)

5 ACTING PRESIDENT GRIFFO: The  
6 report of the Finance Committee is accepted and  
7 before the house.

8 Senator LaValle.

9 SENATOR LaVALLE: Mr. President, we  
10 have on our desks Senate Supplemental Calendar  
11 Number 28B. I move we have a reading of the  
12 noncontroversial supplemental agenda, Bill 316.

13 ACTING PRESIDENT GRIFFO: We are on  
14 Senate Supplemental Calendar 28B, and the  
15 Secretary will read Calendar Number 316.

16 THE SECRETARY: Calendar Number  
17 316, Senate Budget Bill, Senate Print 2006B, an  
18 act to amend the Education Law.

19 SENATOR LaVALLE: Mr. President, is  
20 there a message of necessity at the desk?

21 ACTING PRESIDENT GRIFFO: There is  
22 a message of necessity at the desk.

23 SENATOR LaVALLE: I move we accept  
24 the message.

25 ACTING PRESIDENT GRIFFO: All in

1 favor of accepting the message of necessity of  
2 the Governor signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT GRIFFO: Opposed?

5 (No response.)

6 ACTING PRESIDENT GRIFFO: The  
7 message is accepted and the bill is before the  
8 house.

9 SENATOR GIANARIS: Lay it aside.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is laid aside.

12 Senator LaValle.

13 SENATOR LaVALLE: Mr. President, I  
14 move we go to the controversial reading of the  
15 supplemental calendar, Number 316.

16 ACTING PRESIDENT GRIFFO: The  
17 Secretary will ring the bell.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 316, Senate Budget Bill, Senate Print 2006B, an  
21 act to amend the Education Law.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Gianaris.

24 SENATOR GIANARIS: Mr. President, I  
25 believe there's an amendment at the desk. I ask

1 that the reading of the amendment be waived and  
2 that Senator Latimer may be heard on the  
3 amendment.

4 ACTING PRESIDENT GRIFFO: Senator  
5 Gianaris, upon review of the amendment I find  
6 that it is not germane to the bill at hand.

7 SENATOR GIANARIS: That is  
8 disappointing, Mr. President. I would like to  
9 appeal from that decision and ask that  
10 Senator Latimer be heard on the appeal.

11 ACTING PRESIDENT GRIFFO: Your  
12 appeal is accepted.

13 And, Senator Latimer, you may be  
14 heard.

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

17 My amendment to this legislation is  
18 germane because it does maintain the same purpose  
19 and addresses the same areas of law as the  
20 underlying bill.

21 The amendment that we've before us  
22 in the house I believe is logical action which  
23 allows for us to plan for a well-thought-out plan  
24 for teacher evaluation, done with a proper  
25 review, implementation that allows us the time

1 necessary to involve all of the stakeholders that  
2 should be involved in this process, and at the  
3 same time have the school districts that have to  
4 know what their available dollars are, because in  
5 the course of the next few weeks they're  
6 finalizing budgets which will go before the  
7 voters in their various school districts in May.  
8 That budget for the school districts is the  
9 urgent need of the law, but the APPR program is  
10 not urgent to go in effect today or tomorrow.

11 And in fact we've just had an  
12 education in what happens when you implement  
13 something that is rushed and it's poorly  
14 administered.

15 So, Mr. President, I would argue  
16 that what this amendment does is take rationality  
17 to the process, it puts the dollars and it takes  
18 the policy and puts them on a different time  
19 frame that makes logical sense and would give the  
20 best possible opportunity for a successful  
21 result.

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

24 The vote is on the ruling of the  
25 chair. It's a procedural vote. All those in



1 favor of overruling the chair's decision signify  
2 by saying aye.

3 (Response of "Aye.")

4 SENATOR GIANARIS: Show of hands,  
5 please.

6 ACTING PRESIDENT GRIFFO: Senator  
7 Gianaris has requested a show of hands and it is  
8 so ordered.

9 Announce the results.

10 THE SECRETARY: Ayes, 24.

11 ACTING PRESIDENT GRIFFO: The  
12 ruling of the chair stands.

13 Senator Gianaris, why do you rise?

14 SENATOR GIANARIS: Mr. President, I  
15 believe there's another amendment at the desk. I  
16 ask that the reading be waived and that Senator  
17 Espaillat be heard on the amendment.

18 ACTING PRESIDENT GRIFFO: Senator  
19 Gianaris, upon reviewing the amendment that has  
20 been proposed before the desk, we rule that it is  
21 not germane and therefore out of order.

22 SENATOR GIANARIS: I would like to  
23 appeal that decision, Mr. President, and ask that  
24 Senator Espaillat be heard on the appeal.

25 ACTING PRESIDENT GRIFFO: The

1 appeal is accepted and, Senator Espaillat, you  
2 may be heard.

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

5 My amendment to this legislation is  
6 germane because it does maintain the purpose and  
7 addresses the same areas of the law as the  
8 underlying bill.

9 Families are struggling throughout  
10 the state because the national government has  
11 failed to raise the federal minimum wage to keep  
12 pace with inflation.

13 In 1938, FDR -- as we have been  
14 referring to the New Deal in this past two  
15 days -- signed the first federal minimum wage  
16 law, the Fair Labor Standards Act, with a  
17 25-cent-per-hour wage floor and a  
18 44-hour-work-week ceiling for most employees. In  
19 the depths of the Great Depression, this  
20 legislation lifted families out of poverty.

21 The national government has failed  
22 to increase the federal minimum wage enough to  
23 keep pace with inflation, and families are once  
24 again struggling throughout the state. In  
25 New York City, one in three rental households

1 spend more than 50 percent on rent and utilities,  
2 and are considered severely rent-burdened. One  
3 in five city residents are recipients of SNAP,  
4 and over 1.9 million people, one in three New  
5 York City residents, struggle to afford food.

6 This is due to the skyrocketing cost  
7 of living in our state while wages have  
8 stagnated, having a serious and detrimental  
9 impact on working-class New Yorkers.

10 Raising the minimum wage will help  
11 boost economic activity, propelling our economy  
12 forward. This amendment will raise the base  
13 statewide minimum wage to \$10.50 on and after  
14 January 1, 2016, and index it to a real consumer  
15 price index.

16 Now, Mr. President, there are  
17 several states, many that have already passed  
18 legislation upping the minimum wage above what we  
19 have it at right now: Alaska has enacted  
20 legislation for \$9.75 effective January 1, 2016.  
21 California at \$10, effective January 1, 2016.  
22 Connecticut at \$9.60 on 1/16 and \$10.10 on 1/17.  
23 Hawaii, \$8.50, 1/16, \$9.25 on 1/17.  
24 Massachusetts at \$10 in January 2016 and \$11.00  
25 in January 2017. Michigan at \$9.25 in January

1     2018. And so forth.

2                     So we are far behind. This  
3     amendment will raise the base statewide minimum  
4     wage to \$10.50 on and after January 1, 2016.

5                     It would also allow cities and  
6     counties to raise their minimum wage up to  
7     30 percent higher than the state. We know that  
8     the cost of living varies across the state. The  
9     cost of living in Midtown Manhattan is not the  
10    same as the cost of living in Syracuse. The cost  
11    of living in the Bronx is not the same cost of  
12    living as in Scarsdale, New York.

13                    There are varied costs of living  
14    across the state, the economies are regionally  
15    motivated, and we must have the ability to  
16    address those needs.

17                    We must act as FDR 77 years ago and  
18    reinstate a livable wage to elevate working-class  
19    families out of poverty.

20                    Thank you, Mr. President.

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

23                    The vote will be on the procedures  
24    of the house. The vote before you is all those  
25    in favor of overruling the ruling of chair

1 signify by saying aye.

2 (Response of "Aye.")

3 SENATOR GIANARIS: Show of hands,  
4 please.

5 ACTING PRESIDENT GRIFFO: Senator  
6 Gianaris has requested a hand vote, and so  
7 ordered.

8 Results?

9 THE SECRETARY: Ayes, 25.

10 ACTING PRESIDENT GRIFFO: The  
11 ruling of the chair stands.

12 Senator Gianaris.

13 SENATOR GIANARIS: Hello,  
14 Mr. President.

15 I believe there's yet another  
16 amendment at the desk. I ask that its reading be  
17 waived and that Senator Squadron be heard on the  
18 amendment.

19 SENATOR SQUADRON: Thank you --

20 SENATOR GIANARIS: I have to appeal  
21 first.

22 ACTING PRESIDENT GRIFFO: Once  
23 again, Senator Gianaris, upon review of the  
24 amendment we rule that it is not germane to the  
25 bill and therefore out of order.

1                   SENATOR GIANARIS:    I would like to  
2   appeal that decision and ask that Senator  
3   Squadron be heard on the appeal.

4                   ACTING PRESIDENT GRIFFO:    The  
5   appeal is accepted.   Senator Squadron, you may be  
6   heard.

7                   SENATOR SQUADRON:    Thank you,  
8   Mr. President.   That pause created a great deal  
9   of excitement, so thank you.

10                  (Laughter.)

11                  SENATOR SQUADRON:    I believe that  
12   my amendment is germane.   It maintains the same  
13   purpose and addresses the same area of law as the  
14   underlying bill.

15                  In fact, as recently as last  
16   evening, Senator DeFrancisco talked about the  
17   fact that a provision the Governor originally put  
18   in was getting driven forward into this bill.  
19   And we do see, relative to independent  
20   expenditures, a provision in this bill that was  
21   originally linked to this very provision, which  
22   everyone in this house will be surprised to know  
23   is about closing the limited liability company  
24   loophole.

25                  The limited liability company

1     loophole, as folks know, allows anonymous,  
2     nontransparent, unlimited contributions from  
3     corporations, from individuals, from any other  
4     entity into this political system. It is used  
5     extensively. You've all heard me speak about it  
6     extensively through the course of this month. So  
7     I'm actually going to take this time to explain  
8     its importance with others' words.

9                 The New York Times said: "For  
10    powerful politicians and the big businesses they  
11    court, getting around New York's campaign  
12    donation limits is easy, thanks to the LLC  
13    loophole."

14                For those of you who think that the  
15    New York Times may not reflect what happens in  
16    your district, the Albany Times Union said:  
17    "Closing the LLC loophole would be an important  
18    first step in reducing the corrupting influence  
19    of money in political campaigns. Taking this one  
20    simple bite out of corruption will force any  
21    politician who objects to explain why." If only  
22    that were true.

23                It's not just the New York Times and  
24    the paper that covers this town. The Syracuse  
25    Post-Standard: "And then there's the LLC

1     loophole that makes a mockery of campaign  
2     contribution limits."   The Rochester D&C,  
3     Democrat and Chronicle:   LLC stands for "limited  
4     liability company," but in a growing number of  
5     cases it also means "let's legally cheat."

6                 The Buffalo News:   "But the LLC  
7     loophole lets those very officeholders" -- us --  
8     "bathe in a river of money given by business  
9     interests seeking favorable treatment.   So each  
10    year the loophole lives on as a widely loathed  
11    fixture in campaign finance."

12                The Glens Falls Post-Star:   "The  
13    difference between a legitimate campaign  
14    contribution and an outright bribe continues to  
15    be murky in Albany," in an article written about  
16    LLCs.

17                The Plattsburgh Press-Republican in  
18    the North Country:   "Top-heavy influence in the  
19    political process" is created through the LLCs.  
20    "The average individual cannot give that kind of  
21    money, only the wealthy and powerful can.   It is,  
22    in effect, buying influence."

23                The Middletown Times Herald Record:  
24    "Good luck following the other millions that flow  
25    through these limited liability corporations that



1 have the ability to split up fundraising efforts  
2 to avoid exceeding even New York's generous  
3 limitations, and then making sure that the money  
4 all goes to a single candidate."

5 Not only is this amendment germane,  
6 it is necessary. It is necessary if we have any  
7 hope of restoring faith in our government. It is  
8 necessary if the ethics reforms that have been  
9 made such a priority this year, appropriately,  
10 are going to have any appreciable effect on the  
11 culture in this town. And it's necessary if you  
12 believe newspapers, local newspapers across the  
13 state, these and others.

14 This is not a New York City issue,  
15 this is not an Albany issue, this is a New York  
16 State issue. This is an issue of the validity of  
17 our government, and it is germane, as are the  
18 other provisions in this bill, including the one  
19 on independent expenditures. And that's why I  
20 hope that my colleagues join me in overruling the  
21 ruling of the chair.

22 Thank you, Mr. President.

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

25 The question is again on the

1 procedures of the house. All those in favor of  
2 overruling the ruling of the chair signify by  
3 saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT GRIFFO: Opposed?

6 SENATOR GIANARIS: Show of hands.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Gianaris has requested a show of hands. It is so  
9 ordered.

10 Results?

11 THE SECRETARY: Ayes, 24.

12 ACTING PRESIDENT GRIFFO: The  
13 ruling of the chair stands.

14 The bill is before the house.

15 Senator Latimer.

16 SENATOR LATIMER: Thank you,  
17 Mr. President. Will the sponsor yield for some  
18 questions?

19 ACTING PRESIDENT GRIFFO: Without  
20 objection, Senator DeFrancisco will yield to  
21 Senator Flanagan, chair of the Education  
22 Committee. With unanimous consent, so ordered.

23 Senator Latimer, you may pose a  
24 question.

25 SENATOR LATIMER: Thank you,

1 Mr. President. Thank you, Senator Flanagan.

2 This bill has got a lot of things in  
3 it. In addition to education, it's got ethics  
4 and brownfields and so forth. But I want to  
5 limit the questions to those that I know you're  
6 very expert in and to try to understand exactly  
7 what kind of an arrangement we have here.

8 In the Senate one-house bill that  
9 was passed by our house a couple of weeks ago on  
10 the Senate majority line, it was a high priority  
11 that there be full restoration of the GEA.  
12 Senator, can you tell us, in the agreement now  
13 that's been struck with the Governor and the  
14 other house, what is the percentage in the  
15 aggregate for GEA restoration?

16 SENATOR FLANAGAN: Mr. President,  
17 through you, I am more than happy to speak to  
18 that issue, but I just want to be a little  
19 cautious, in that that's in the appropriation  
20 bill, not the Article VII bill.

21 But the GEA, as we began this year,  
22 and in the Executive Budget, was at  
23 \$1.036 billion. Our advocacy, through the  
24 one-house budget resolution, as it has been for  
25 the last several years, was to eliminate it in

1 its entirety. But, Senator Latimer, you are  
2 aware that we operate on a three-legged chair  
3 here with the Governor, the Senate and the  
4 Assembly, and ultimately we effectuate a  
5 compromise. So the change this year is that the  
6 GEA is further reduced from \$1.036 billion by  
7 \$603 million.

8                   SENATOR LATIMER: The questions  
9 that relate, Mr. President, to the dollars and  
10 cents of the GEA, would you prefer that they be  
11 addressed on the next bill in the Aid to  
12 Localities?

13                   ACTING PRESIDENT GRIFFO: Without  
14 objection, Senator Flanagan will answer them now.

15                   SENATOR LATIMER: Okay, I'll follow  
16 whatever direction you have.

17                   Will the Senator yield for  
18 additional questions.

19                   SENATOR FLANAGAN: Yes.

20                   ACTING PRESIDENT GRIFFO: The  
21 Senator yields.

22                   SENATOR LATIMER: Thank you,  
23 Senator.

24                   The distribution of the GEA benefits  
25 at this relative percentage, which we estimate to

1 be about a 60 percent restoration in the  
2 aggregate, is not equally distributed throughout  
3 all districts at that same level. There is a  
4 formula for which we've seen language.

5 Can you give us a range of the upper  
6 end and the lower end of restoration so that we  
7 understand, when we go back to our districts,  
8 which districts have been restored at a high  
9 level and which at a low level of restoration?

10 SENATOR FLANAGAN: Yes. Consistent  
11 with the pattern that started with the GEA at its  
12 inception, it was \$2.8 billion. Now it's just  
13 slightly over \$400 million left in the balance.

14 And as an aside, I am terribly  
15 confident and comfortable that by the time we  
16 have this budget discussion next year, we will  
17 all be talking about the final elimination of the  
18 GEA.

19 Within the GEA structure, last year  
20 the minimum restoration that any district could  
21 have had was 29 percent. Those would be  
22 basically your higher-wealth, essentially  
23 lower-needs districts. But certainly every  
24 district in the State of New York has its own set  
25 of needs.

1           We drove, over the first three  
2 years, a significantly higher portion of  
3 restoration to high-needs districts, which  
4 include the City of New York, the Big Four,  
5 high-needs rural, high-needs urban, high-needs  
6 suburban. But the restoration occurred at a much  
7 more accelerated pace for districts that are,  
8 frankly, poorer in comparison. And we continue  
9 that this year.

10           But I would say, Senator Latimer,  
11 there are two things that are noteworthy. The  
12 minimum restoration now goes from 29 percent to  
13 50 percent. So every district across the State  
14 of New York, the least amount of restoration that  
15 you would have on GEA would be 50 percent.

16           On the high end, I have to be  
17 honest, I'm not quite sure but I believe it's --  
18 I can confidently say that it is probably around  
19 90 or north, but certainly less than a hundred.

20           Everyone in this budget still has  
21 some GEA, but the districts who are high-needs  
22 still receive the overwhelming majority of the  
23 increase in funding, GEA or otherwise. And where  
24 there is less of a restoration on GEA, there is  
25 more of an enhancement on Foundation Aid.

1                   SENATOR LATIMER:    Will the Senator  
2   continue to yield?

3                   SENATOR FLANAGAN:    Yes.

4                   SENATOR LATIMER:    Thank you.

5                   In looking at the school runs that  
6   we saw earlier today and doing some simple  
7   mathematics, it appears that there are districts,  
8   though, that restoration has reached only the  
9   30 percent level. Which means that there are  
10   some number of districts, and not just a few of  
11   them, that will still have 70 percent of the  
12   current level of GEA that is still unrestored,  
13   leaving for next year a significant amount of  
14   money that is still owed those districts.

15                   And the argument that has been made  
16   in many different venues is that this is money  
17   that we took from these districts during a time  
18   of crisis and now that the crisis is over, we  
19   should be able to restore it. That is the  
20   rationale that the majority and you yourself have  
21   made, and I think accurately so when you made  
22   that argument.

23                   So what is your sense of what kind  
24   of a time frame we could realistically look at  
25   for 100 percent restoration, given the fact that

1 some districts only have a 30 percent restoration  
2 this year?

3 SENATOR FLANAGAN: Senator Latimer,  
4 I would make a couple of points. First of all,  
5 I'll only differentiate in this regard. I can  
6 very clearly tell you I did not vote for the GEA.  
7 Certainly at its inception, I voted against it at  
8 the time. And we are living the effects of that  
9 enactment a number of years ago.

10 I respectfully disagree, the minimum  
11 restoration -- and I spent a lot of time talking  
12 to our staff, and the negotiations went back and  
13 forth. The minimum restoration is 50 percent,  
14 not 30. If there are lower numbers for school  
15 districts, it is primarily a function of the fact  
16 that they either had lower reimbursement on  
17 expense-based aids or reductions.

18 And let me parenthetically add while  
19 we ultimately have to come to a compromise, I can  
20 tell you unequivocally that the Assembly balked  
21 at our efforts to raise that minimum restoration  
22 to a higher number. Again, I know we come to a  
23 negotiated compromise. But when you are dealing  
24 back and forth, I am very, very confident and  
25 knowledgeable that the Assembly balked at exactly



1     what you are speaking to.

2                   SENATOR LATIMER:     Will the Senator  
3     continue to yield?

4                   SENATOR FLANAGAN:     Yes.

5                   ACTING PRESIDENT GRIFFO:     The  
6     Senator yields.

7                   SENATOR LATIMER:     Senator, I know,  
8     I'm sure you fought very strong for this.  This  
9     is a practical reason why those of us in the  
10    minority should be included in negotiations  
11    because you had, in this chamber, Democrats who  
12    supported your point of view and could give you a  
13    bipartisan argument against other Democrats who  
14    might not have shared your point of view.

15                   But I would say that my  
16    understanding in reading the runs -- and I'm  
17    happy to be redirected by anybody on staff -- it  
18    seems very clear to me that in a number of cases  
19    the restoration is only at 30 percent for certain  
20    districts.  But we'll hold that off to an offline  
21    conversation rather than to trouble individuals  
22    with additional time.

23                   The next question I have is  
24    regarding Foundation Aid.  In the one-house bill  
25    there was no particular reference to Foundation

1 Aid. What does this agreement represent, in  
2 general terms, in terms of Foundation Aid for the  
3 new school year?

4 SENATOR FLANAGAN: Senator Latimer,  
5 I'm going to give you a two-part answer. I  
6 failed to answer the second part of your previous  
7 question.

8 We have consistently advocated for  
9 the elimination of GEA. It is our hope, desire,  
10 intention, plan, strategic planning, however one  
11 may want to call it -- there is now just slightly  
12 over \$400 million left in GEA. Based on our  
13 track record, collectively, Democrats and  
14 Republicans, last year we restored \$602 million,  
15 this year we got to \$603 million. I think it's  
16 very fair to say that getting the full  
17 elimination next year is something that is  
18 eminently within striking distance.

19 Now, as relates to Foundation Aid,  
20 you are accurate, in the one-house budget  
21 resolution we spoke to the elimination of GEA and  
22 an increase in general support to public schools.

23 Here, there's \$427 million in  
24 Foundation Aid, \$427 million additional funding  
25 in Foundation Aid over last year. Which is, by

1 the way, a very significant increase in  
2 Foundation Aid vis-a-vis last year. Last year it  
3 was roughly 250, so this year it went from 250 to  
4 427.

5 SENATOR LATIMER: Will the Senator  
6 continue to yield?

7 SENATOR FLANAGAN: Yes.

8 SENATOR LATIMER: Thank you.

9 In terms of what we've heard much  
10 about, failing schools or problem schools or  
11 target schools, whatever terminology is being  
12 used, how has the Foundation Aid been targeted to  
13 address those situations in this document, given  
14 the fact that it is identified that these are the  
15 schools that are in the greatest jeopardy?

16 SENATOR FLANAGAN: Senator Latimer,  
17 I would make this distinction. I think if you  
18 look at, quote, unquote, failing schools, the sad  
19 news is that we have them. The sadder news is  
20 that they are distributed all throughout the  
21 state, it is not just an urban problem by any  
22 stretch of the imagination.

23 I can comfortably tell you without  
24 having any specific school district in front of  
25 me that a number of these schools get a

1 relatively high amount of funding compared to  
2 many other districts in the State of New York.  
3 And I don't want that misinterpreted. I'm not  
4 suggesting for one moment that they don't deserve  
5 it or that we shouldn't be looking at  
6 opportunities to try and find ways to ameliorate  
7 that situation. But I'll use, respectfully, the  
8 City of New York as an example.

9           You know, there are certain  
10 parameters under which we operate vis-a-vis the  
11 city and overall education funding. It's a  
12 little different when you're driving a \$9 billion  
13 check to the City of New York or thereabouts.  
14 They have a lot more latitude in terms of the  
15 fungibility of what they do within their schools  
16 right now.

17           I've had a number of meetings with  
18 the mayor's office recently on what they call  
19 Renewal Schools. They came up with \$150 million  
20 to address some of their concerns. I asked them  
21 where they got the money: They made some  
22 discretionary moves at the local level, they have  
23 School Improvement Grants, they have federal  
24 funding, they have Community Schools funding.

25           So I think one of the areas where

1 the Governor's Education Reform Commission did  
2 some good work, very solid work, was in creating  
3 this whole concept of Community Schools, which in  
4 essence would allow for not only immersion during  
5 the school day but thereafter. So where you have  
6 those unique set of circumstances, you have a  
7 high index of poverty, free and reduced lunch, a  
8 disproportionate number of ELLs or students with  
9 disabilities. Those are the types of things that  
10 can be addressed. You can have a mental health  
11 worker or a social worker, a health-type person  
12 who would be available on-site, and a lot of the  
13 other districts may not have that.

14 So I believe that you could arguably  
15 and fairly say that money is driven to these  
16 districts in a higher percentage than in many  
17 other districts in the State of New York.  
18 Irrespective of what we may do in the whole  
19 concept or rubric of failing schools.

20 SENATOR LATIMER: Thank you,  
21 Senator.

22 Mr. President, may I continue? This  
23 is a very deep area of the budget, so I  
24 appreciate your indulgence. Would the Senator  
25 yield for additional questions?

1                   SENATOR FLANAGAN:    Yes.

2                   ACTING PRESIDENT GRIFFO:    The  
3   Senator yields.

4                   SENATOR LATIMER:    Thank you,  
5   Senator.

6                   The CFE court case, which was  
7   adjudicated a number of years ago, identified a  
8   significant amount of money that was owed the  
9   New York City school system because of the school  
10   budget formula that extended over many, many  
11   years. And in the first two years or so after  
12   the court ruling, there were some special amounts  
13   of money that were targeted to restore that for  
14   that district. That has stopped happening over  
15   the last few years.

16                   Can you describe how this budget  
17   treats the responsibility for CFE compliance for  
18   New York City schools?

19                   SENATOR FLANAGAN:    Well, I would  
20   say a couple of things.

21                   The CFE case at its inception  
22   certainly involved the City of New York. And  
23   I've read all the cases -- Supreme Court,  
24   Appellate, Court of Appeals, back down and back  
25   up. So there are a number of court cases that

1 focused on the City of New York.

2 At the time, Governor Pataki and the  
3 Legislature, both Senate and Assembly, Democrats  
4 and Republicans, came up with steps that helped  
5 address some of the needs or the issues raised by  
6 the court.

7 As you are well aware, Foundation  
8 Aid was the creation of Governor Spitzer at the  
9 time, and there are differing schools of thought  
10 in terms of what was done as it relates to  
11 content. Certainly Foundation Aid was not a  
12 New York City approach only; it was a statewide  
13 approach. So when speaking about Foundation Aid  
14 and the City of New York, it is very important to  
15 recognize -- and I know you're aware of this --  
16 that there are a number of districts who were the  
17 beneficiaries of the legislative outgrowth of the  
18 CFE case.

19 I will say this. I believe that  
20 there are a number of people who would say that  
21 we have not met the commitment of CFE, and I  
22 would differentiate it and put it this way.  
23 Since Governor Cuomo became governor, in his  
24 first year in office he inherited a \$10 billion  
25 deficit that he did not create. He was charged

1 with, as we were, with fixing the problem. The  
2 historical nature of the problem I'm not going to  
3 get involved in. I'll just say that in the first  
4 year, everybody made difficult choices that  
5 nobody liked making.

6               Since then, we have directionally  
7 been moving in a very, very positive direction.  
8 So if you incorporate what we have done in the  
9 last four years, including this budget, we have  
10 added over \$4.4 billion in new funding to  
11 education. I believe -- and I respect the fact  
12 that there are those who will disagree. I  
13 believe we are meeting our obligations to the  
14 extent that we can within existing resources and  
15 the revenues of the State of New York.

16              So there are those who constantly  
17 raise the specter that we are not spending  
18 enough. But I know this and you know this,  
19 because we come from similar communities. When  
20 you add up what we are spending in general  
21 support for public schools and you add in what we  
22 fund the STAR program at, we're talking about  
23 \$27 billion of taxpayers' money that goes towards  
24 education and, by extension, our taxpayers and  
25 property taxpayers. Because as you well know,



1 the more money we drive from the State of  
2 New York back to local districts, the less  
3 pressure there is on the local property tax.

4 SENATOR LATIMER: Will the Senator  
5 continue to yield?

6 SENATOR FLANAGAN: Yes.

7 ACTING PRESIDENT GRIFFO: The  
8 Senator yields.

9 SENATOR LATIMER: Thank you.

10 The issues I relate to CFE may be  
11 pursued by some of my colleagues who are more  
12 familiar with the impacts in their districts, so  
13 I'll hold those off except to make a correlation  
14 to the issue of the receivership proposal that  
15 the Governor put before us and then whatever is  
16 in this final plan.

17 Can you describe, Senator, what this  
18 plan does in terms of the receivership proposal  
19 for troubled schools?

20 SENATOR FLANAGAN: How long do you  
21 have, Senator Latimer?

22 SENATOR LATIMER: I think we have  
23 until 12 o'clock tonight, Senator.

24 SENATOR FLANAGAN: Okay. So I  
25 would say there are a couple of very important

1 points to recognize. And you know what? I'm  
2 going to take the liberty of speaking for both of  
3 us only for a moment.

4 I believe that one of the problems  
5 we have is the dialogue that takes place  
6 vis-a-vis education. We all support education,  
7 all of us. We may come at it from different  
8 angles, but we all care about kids and parents  
9 and students, and we equally care about teachers.  
10 There's nothing more important than having a good  
11 teacher in front of the classroom.

12 I believe one of the failures -- and  
13 I'm using that word specifically -- is the level  
14 of the dialogue. So I'm going to take the  
15 liberty of just saying you hate the word "failing  
16 schools"; so do I. So in this discussion I'm not  
17 calling them failing schools anymore, because I  
18 think of parents who would send their children to  
19 a school like that, the perception becomes the  
20 reality, it's a bad way to start the day and it's  
21 certainly a bad way to end the day.

22 So I think we can have a fair  
23 discussion about struggling schools, opportunity  
24 schools, renewal schools, revitalization  
25 schools -- but at the end of the day, all those

1 schools are filled with children. And I know you  
2 have the same level of concern.

3 As it relates to a receiver, there  
4 are significant changes from what the Governor  
5 had advocated in his original budget. And the  
6 schools, as defined, total 178 across the State  
7 of New York, 91 of which are within the City of  
8 New York.

9 But there is a subcategory that is  
10 amongst the most egregious by far, and I  
11 frankly -- I really don't even like having to  
12 have this discussion, because it means that we  
13 have failed in some regards in relation to these  
14 schools in particular. There's a lot of reasons  
15 for that. But nonetheless, there are 27 schools  
16 that fall within the most egregious category.  
17 The balance of the 151 are still in extremis, but  
18 not necessarily to the same degree.

19 The reason I focus on that is  
20 because there are different standards and there's  
21 differentiation between and amongst what would  
22 happen in each of those schools. There is  
23 discussions about additional funding. There are  
24 parameters that suggest that any one of these  
25 schools, as a result of what may happen, will now

1     become a community school, which would make them  
2     eligible for School Improvement Grants and some  
3     of the things I mentioned in terms of federal  
4     funding. So just by that alone, that may  
5     generate additional funding for some of these  
6     schools as defined.

7                     In the category of the 27 schools,  
8     there is a slight distinction between the City of  
9     New York and the rest of the state. I believe  
10    it's fair to represent that on the whole, this is  
11    not a knee-jerk reaction, it is a fluid process  
12    that allows for some changes. And it has a set  
13    of benchmarks that if you meet them, you can get  
14    out of that quagmire. If you don't, there are  
15    additional points at which action can be taken  
16    either in concert with the district or in concert  
17    with SED or by SED in the most far-reaching  
18    circumstances.

19                    So in those 27 schools the mayor and  
20    the City of New York had expressed grave concern  
21    about who may be playing what fundamental roles.  
22    Therein, the chancellor would be appointed the  
23    receiver, and that would be after one year.  
24    There is a one-year window to have a turnaround  
25    plan developed at the local level and have it

1 reviewed and potentially approved by the State  
2 Education Department.

3           So I do think it's very important to  
4 reiterate that this is not, you know, the bill  
5 getting enacted tonight and tomorrow there's a  
6 receiver. I have a pretty confident feeling that  
7 a lot of people here, and by extension in our  
8 other house, are not really apt or desirous of  
9 just jumping in overnight. I think this sets a  
10 very good timetable, a solid timetable.

11           So again, those 27 schools are under  
12 a different framework, if you will. And the  
13 other 151 schools, they actually get a little bit  
14 more time, I think it's more of a three-year  
15 process.

16           In the 27 and the 151, the  
17 superintendent may be appointed as the receiver.  
18 And, you know, a lot of people said, well, if the  
19 super gets in there, are they just going to  
20 ignore the school board? I think part of this  
21 discussion would include the notion that  
22 superintendents are hired by school boards. So I  
23 think there's probably a pretty good chance that  
24 as opposed to taking drastic measures, that there  
25 would be some middle-ground efforts to try and

1 ameliorate these situations locally.

2 One thing that's very important in  
3 both scenarios is that there is an obligation to  
4 have a community engagement team, which would  
5 include parents and stakeholders at the local  
6 level.

7 And then, Senator Latimer, as you  
8 are well aware, there are issues involving  
9 negotiations, what can be done by the receiver,  
10 and can the receiver just gratuitously go in and  
11 say everyone is now unemployed. I don't believe  
12 that to be the case.

13 So I think there are safeguards that  
14 prevent egregious action from being taken. But  
15 nonetheless, it recognizes the situation that we  
16 find ourselves in as a state. Because amongst  
17 those 178 schools, it is distributed equitably  
18 and geographically throughout the State of  
19 New York.

20 SENATOR LATIMER: Will the Senator  
21 continue to yield?

22 SENATOR FLANAGAN: Yes.

23 ACTING PRESIDENT GRIFFO: The  
24 Senator yields.

25 SENATOR LATIMER: Thank you.

1                   The explanation you have given,  
2       where will I find in the budget the language that  
3       shows the implementation along the lines that  
4       you've said? The original Executive proposal was  
5       rather harshly written and was written in a way  
6       where an external person would come in, there was  
7       no identification of resources of how that  
8       external person would come in and would have the  
9       ability to abrogate contracts and take some very  
10      bold actions.

11                  Can you point out, Senator, for our  
12      benefit how the implementation you've just  
13      described verbally is placed into reality?

14                  SENATOR FLANAGAN:     Senator Latimer,  
15      just to show you how fortunate I am, I have a  
16      tabbed bill copy here. And I would say that a  
17      fair reading would be that it would start on  
18      page 148, under subpart H. And given the depth  
19      of this issue, it goes on for at least several  
20      different pages.

21                  SENATOR LATIMER:     Will the Senator  
22      continue to yield?

23                  SENATOR FLANAGAN:     Yes.

24                  ACTING PRESIDENT GRIFFO:   The  
25      Senator yields.

1                   SENATOR LATIMER:    I appreciate --

2                   SENATOR FLANAGAN:   In fact, Senator  
3                   Latimer, let me just -- I would say it goes on  
4                   from page 148 till the end of the bill.

5                   SENATOR LATIMER:    Okay, very good.  
6                   Thank you, Senator.  Again, Mr. President, I  
7                   realize this is a long process of questioning,  
8                   but again this is a multiheaded issue.  So I  
9                   apologize to my colleagues and to you.  I just  
10                  want to make sure we get out each of these points  
11                  as best as we can.

12                  The issue of the 3020-a removal  
13                  procedures, Senator, that's in this bill, is  
14                  there a rationale for why we have moved from a  
15                  three-person panel to an individual person?  And  
16                  I think the concern that we have is that a  
17                  three-person panel will do a more balanced job of  
18                  evaluating the situation; one person may or may  
19                  not have that same approach and might tend to err  
20                  on one side or other of these things.

21                  SENATOR FLANAGAN:   Well, I think  
22                  within the discussion of 3020-a that it's  
23                  important to recognize some of the other changes  
24                  that we made as well.

25                  And now, and I frankly am amazed



1     that we even had to have a legitimate discussion  
2     on this, if a teacher is convicted of a violent  
3     felony offense against a child -- believe it or  
4     not, the law did not allow for automatic removal.  
5     However, that person's teaching certificate can  
6     now be revoked upon that conviction. And even in  
7     spite of that, we still provide due process  
8     protection for that individual, no matter how  
9     heinous the crime may be, and they are then  
10    subject to an expedited 3020-a process.

11                 Second, there are now equal  
12    standards for teachers along with everyone else.  
13    There were aspects of discovery and some of  
14    procedural aspects of these hearings which  
15    afforded the teachers a different set of rules  
16    than other similarly situated parties and, I  
17    think it's fair to say, people who would be  
18    subject to civil service Article 75 hearings like  
19    CSEA and PEF.

20                 So now there's an equal footing and  
21    the hearing officer has the opportunity to set a  
22    timetable on discovery. That provides balance.  
23    That's something that school districts have asked  
24    for for a number of years.

25                 So I think I'm going to -- and I'll

1 get much more directly to your point. A very  
2 strong feeling, and I saw comments from  
3 Assemblywoman Nolan on what she said on the  
4 Assembly floor not too long ago, that this  
5 effectuates a reasonable compromise.

6 We believe that there are due  
7 process protections and there is also an  
8 opportunity to streamline the process and to  
9 provide for efficiency and potential cost savings  
10 to districts.

11 And by the way, I think one of the  
12 things that gets overlooked -- I know we talk  
13 about things like DNA evidence. There are many  
14 times that DNA evidence can be used to exonerate  
15 someone. Here, a more timely process without  
16 depriving anyone of their due process rights  
17 could be beneficial to a teacher as well.

18 So I think the single hearing  
19 officer is for purposes of efficiency and an  
20 opportunity to potentially save money and still  
21 have an positive outcome.

22 SENATOR LATIMER: Will the Senator  
23 continue to yield?

24 SENATOR FLANAGAN: Yes.

25 SENATOR LATIMER: Thank you,

1 Senator.

2 ACTING PRESIDENT GRIFFO: The  
3 Senator yields.

4 SENATOR LATIMER: I'm concerned  
5 that the savings of going from three hearing  
6 officers to one hearing officer is not much of a  
7 savings when in other parts of this budget we're  
8 talking about adding outside consultants to come  
9 in to do a variety of different things where we  
10 don't seem to be as worried about either the  
11 streamlining or the savings in cost savings.

12 There appears in the 3020 changes  
13 that have been made that there is a presumption  
14 of guilt on the individual. Is that not a fair  
15 comment from your perspective?

16 SENATOR FLANAGAN: No.

17 SENATOR LATIMER: Because it seems  
18 that's changed -- it has changed the dynamic.

19 SENATOR FLANAGAN: Well, I respect  
20 your opportunity to essentially say it that way,  
21 I just don't happen to agree.

22 SENATOR LATIMER: Isn't the  
23 burden -- I'm sorry, through the president, may  
24 I -- will he continue to yield for questions?

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR LATIMER: Doesn't this  
3 change the burden, Senator, to the individual to  
4 defend themselves rather than on the organization  
5 to prove their failure to perform in a certain  
6 fashion? Isn't that changed fundamentally by  
7 this?

8 SENATOR FLANAGAN: Well, Senator  
9 Latimer, I would say there are distinctions  
10 between 3020-a proceedings based on misconduct  
11 and now in 3020-b what one may define as being  
12 ineffective or incompetent. And there are  
13 distinctions between the two of those. So let me  
14 go back to 3020-a for a second.

15 There is, and I just want to make --  
16 because of the gravity of this, I want to make  
17 sure I'm saying it correctly. Okay, we do a  
18 couple of other things which I think are  
19 important as well. We allow for a child witness  
20 to testify through closed circuit television.

21 Here's a good example. We allow a  
22 school district to suspend an employee without  
23 pay who was charged with misconduct, conduct  
24 constituting physical or sexual abuse of a  
25 student. These are very serious charges, and

1 people recognize that.

2           There is a potential suspension, but  
3 there has to be a probable cause hearing. No one  
4 can be suspended without pay for more than  
5 120 days -- which, by the way, is a lesser  
6 standard than exists in the City of New York,  
7 which is 90 days.

8           So there are, I think there are a  
9 number of continued due-process protections for  
10 anyone who is accused of either misconduct or,  
11 under the new portions of 3020-b, something that  
12 would rise to the level of incompetence.

13           So on that point, I think what  
14 you're probably more alluding to -- and I  
15 certainly don't want to speak for you -- is the  
16 concept of if you are rated ineffective on your  
17 teacher evaluations, what then are the procedures  
18 and what is the sort of the rules of engagement  
19 in terms of something like that?

20           There's a distinction between being  
21 found ineffective twice. There's a distinction  
22 from that and being found ineffective for three  
23 years. Under the two-year scenario, a school  
24 district may bring the proceeding. If you are  
25 found ineffective for three years, the school

1 district is obligated to bring that proceeding.  
2 And while we may debate what is ineffective,  
3 effective, highly effective or developing, I  
4 think it is a reasonable standard to say if  
5 someone has been found ineffective for three  
6 years in a row, that there should be a proceeding  
7 brought.

8 SENATOR LATIMER: Mr. President,  
9 will the Senator continue to yield? I will try  
10 my best to wrap these questions up as quickly as  
11 I can.

12 ACTING PRESIDENT GRIFFO: The  
13 Senator yields.

14 SENATOR LATIMER: Thank you.  
15 Thank you, Senator.

16 I would disagree, Senator, that I  
17 think there is a change in the presumption on the  
18 3020-a situation, so we're going to have to be in  
19 disagreement on that one.

20 I want to touch on the last topic  
21 area -- there are many other topic areas, but in  
22 deference to your time and the time of my  
23 colleagues, I want to touch on the APPR  
24 situation.

25 The plan that has been put before us

1 here, isn't that a permanent acceptance of  
2 high-stakes testing as now part and parcel of  
3 what we're doing, instead of using this  
4 opportunity to reevaluate, through other  
5 stakeholders, whether or not we want to see this  
6 high-stakes testing?

7                   We have heard from parents in your  
8 counties and in my counties how unhappy they are  
9 with high-stakes testing. There's legislation  
10 that's sponsored on your side of the aisle for  
11 opt-out information and so forth. But yet it  
12 seems as if we are now accepting and doubling  
13 down on that by moving in this direction. Is  
14 that a fair or unfair comment?

15                   SENATOR FLANAGAN: Senator Latimer,  
16 I do not agree. There is language specifically  
17 relating to actions that have been taken in the  
18 past. And I would remind everyone that  
19 collectively, we made improvements to areas of  
20 this section of the law last year.

21                   So in here one of the fundamental  
22 precepts is that the whole idea has to be on how  
23 to effectively and diagnostically assess  
24 students, at the same time looking very clearly  
25 on how to reduce testing. It's specifically

1 written into the bill.

2 And I would also tell you that this  
3 is a unique opportunity, because the stakeholders  
4 involved, the people you reference, the beauty of  
5 this approach is that there is a public comment  
6 period under which the Regents would draft  
7 regulations and the public and everyone similarly  
8 situated -- parents, grandparents, students --  
9 they'd all have an opportunity for that input.  
10 And you and I both know very well there is going  
11 to be no shortage of comments.

12 SENATOR LATIMER: Will the Senator  
13 continue to yield?

14 SENATOR FLANAGAN: Yes.

15 ACTING PRESIDENT GRIFFO: The  
16 Senator yields.

17 SENATOR LATIMER: Thank you,  
18 Senator.

19 I would argue that what we want to  
20 have now, Senator, is we want to start with a  
21 stakeholder-based review of the process and then  
22 let the Board of Regents and then this  
23 Legislature approve whatever comes out of that  
24 process.

25 But let me ask a question in a



1 different direction. We have the testing that  
2 will test students and will also be the basis for  
3 evaluation of teachers in two basic areas:  
4 English language and in math. How do we assess  
5 teachers that don't teach in either of those two  
6 courses, based on the grades of the students in  
7 Grades 3 to 8, when the other teachers that don't  
8 teach in those two areas are going to be judged  
9 by what's happening to those students in the  
10 areas which are part of the standardized testing?

11 SENATOR FLANAGAN: A couple of  
12 things.

13 First of all, that is really a  
14 fundamental component of the charge that we are  
15 giving to the Board of Regents. And we have had  
16 a multitude of people comment and significant  
17 input from all areas of the educational community  
18 on the Governor's proposal. So there are  
19 significant changes from the Governor's original  
20 proposal.

21 The issues that you are addressing  
22 and the concerns that you raise are not only  
23 valid but I think that they could be contemplated  
24 and acted upon in a proper and appropriate  
25 capacity through the process that is contained in

1       this statute.

2                   SENATOR LATIMER:     Will the Senator  
3       continue to yield?

4                   SENATOR FLANAGAN:     Yes.

5                   ACTING PRESIDENT GRIFFO:     The  
6       Senator yields.

7                   SENATOR LATIMER:     Thank you.

8                   The question of the cost for outside  
9       review. And I understand that it is not  
10      specified in so many words exactly who will be  
11      the person doing the outside evaluation part of  
12      this. But that really represents another  
13      mandate.

14                   And unless you can tell me  
15      otherwise, isn't that another unfunded mandate  
16      that's placed before the local districts, for  
17      them to have an outside person come in? There  
18      will have to be some cost factor involved in  
19      that, and I don't see anything in our budget that  
20      allows additional funding so that schools can  
21      handle that additional cost.

22                   SENATOR FLANAGAN:     If you look at  
23      the Governor's original proposal, one of the most  
24      overarching themes that we heard, in addition to  
25      concerns about APPR, was exactly the point that

1 you are making. That's why it looks nothing like  
2 what the Governor originally proposed.

3 And within that framework, what we  
4 are doing is providing SED and the Regents an  
5 opportunity to review exactly what you're  
6 speaking to. It is not an outside evaluation.  
7 It is someone who would be qualified and employed  
8 by a school district. It is not an outside third  
9 party, it is someone who is already gainfully  
10 employed by that school district.

11 And the weight of that can be  
12 nominal. That's something that would be  
13 determined by input -- excuse me, by the Board of  
14 Regents, ultimately, with input of all the  
15 stakeholders that we are both referring to.

16 SENATOR LATIMER: Thank you,  
17 Senator.

18 Mr. President, may I go on the bill?

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

21 SENATOR LATIMER: Thank you very  
22 much.

23 And I want to thank Senator  
24 Flanagan, as always, for being an articulate and  
25 energetic spokesperson. I enjoy these

1     conversations, John. And. I hope to the extent  
2     that we enjoy them at all, you do as well.

3             On the bill itself, Mr. President,  
4     we have before us a budget which we all know is a  
5     fiscal document. But constitutionally and by  
6     interpretation of the courts of the State of  
7     New York, that significant policy can be adopted  
8     inside a fiscal document.

9             But I can argue what may be  
10    constitutional and what may be legal is still  
11    unwise. We have before us a bill, as I said  
12    earlier, that marries policies on ethics,  
13    policies on brownfields with policies on  
14    education. And there are other component pieces  
15    to this. And that is mixing, as I said a few  
16    years ago, kumquats and peanut brittle in one  
17    single document. That is a bad way to make  
18    change, particularly when what we are embarking  
19    on is a major change in the way we're going to  
20    deliver education in this state.

21            And I would argue that we're using  
22    the power of the purse to compel people to do  
23    something because they need the money. That is  
24    exactly the way we got into mandatory testing,  
25    because the power of the purse was so essential

1 to us back in 2010, when we couldn't close the  
2 budget without federal money to help do that.

3           Some people will call this reform.  
4       Some people will call this wreckage. Because we  
5 are changing the system of educational delivery,  
6 and we're doing it in the context of a budget and  
7 under the threat of financial support, which  
8 these schools desperately need. We have put  
9 property caps on them and, as I said earlier  
10 yesterday when I spoke about general governments,  
11 we put other mandates on them and they have very  
12 little place to go. We limit how much funds they  
13 can accumulate from year over year to draw  
14 against.

15           And so we now have other issues to  
16 be resolved. I believe that all of this change  
17 on education is built on a faulty presumption,  
18 and that is the presumption that public education  
19 in New York is failing. I do not believe that.  
20 I have districts, the majority, the vast majority  
21 of my districts in my home district -- and I  
22 understand it may not be a representative  
23 district all across the state -- which are  
24 proving every single day the validity of public  
25 education and their ability to produce a positive

1 result for kids in a public setting.

2           So in those places where we are not  
3 succeeding with public education, the question to  
4 me is not an across-the-board wholesale  
5 restructuring but an attention that's been long  
6 overdue in those areas where we have problems in  
7 public education.

8           And I will agree with Senator  
9 Flanagan, we toss the word "failing" out, but it  
10 makes a connotation that's not accurate. Because  
11 individuals rise and fall, and there are  
12 brilliant individuals in every setting and there  
13 are individuals who have to work harder in every  
14 setting. And I think we do ourselves a  
15 disservice when we lump groups of people and we  
16 attach a word "failing" to them. I think we are  
17 creating a self-fulfilling prophecy.

18           It has been proven time and time  
19 again, study after study, that there is a  
20 correlation between poverty and performance. And  
21 the poverty of the individual, the tax base of  
22 the area, since we pay for schools initially  
23 based on property tax, is the property tax wealth  
24 of a community allows for them to provide  
25 services in Community A that may not be present

1 in Community B, and that performance follows  
2 having those resources along with other factors  
3 that are in here.

4 But we are tying ourselves in this  
5 budget now more firmly than we ever have before  
6 to a mast on a ship, and that mast that we're  
7 tying ourselves to is high-stakes testing. And  
8 you know on each side of the aisle how people are  
9 reacting to this commitment to high-stakes  
10 testing. There are other states in this nation  
11 that are backing off of that, that are seeking  
12 waivers to avoid having to go through with what  
13 they think could be a negative effect on their  
14 educational process.

15 And it's not just what we talk about  
16 in teachers and administrators and school  
17 districts and school trustees, but it's the  
18 parents themselves, it's the parents that feel  
19 the loss of local control, that they can't go and  
20 have the same impact on their teachers and their  
21 administrators in the neighborhood school because  
22 the system is changing and it's creating a whole  
23 different set of priorities.

24 Now, there is a school of thought  
25 that says you go into a school and you take

1 names, you kick butt, you find the  
2 underperforming teachers and the underperforming  
3 administrators and get rid of them.

4 Mr. President, I'm a fan of the  
5 New York Knicks. There hasn't been a worse year  
6 in my life for the New York Knicks than this  
7 year. This year began when we fired a coach and  
8 brought in a very expensive president, and the  
9 results of the New York Knicks is worse today  
10 than it was a year ago. And the reason is the  
11 New York Knicks do not have sufficient talent at  
12 this point in time to perform well enough.

13 So you can rearrange the coach  
14 structure and the president all you want, but if  
15 you don't have enough quality players on the  
16 court, you're going to lose a lot of games. And  
17 that is exactly what is happening.

18 And my great concern is that we're  
19 looking at the wrong things when we look at where  
20 we need to put time and attention into our  
21 situation. The APPR system, to me, is  
22 fundamentally flawed if it doesn't begin with a  
23 bottom-up review of what will work in terms of  
24 evaluating teachers.

25 And in the same way that we would



1 not restructure fire services in this state and  
2 not talk to a firefighter, that we could figure  
3 out to how best to deliver fire services and  
4 never talk to the people on the lines or to  
5 vilify the firefighters. Well, we wouldn't dream  
6 of doing that because we see every day the  
7 bravery of firefighters. And when we see them  
8 with soot on their face, there's an emotional  
9 attachment to what they do in the public domain.

10 But I think we have forgotten that  
11 same aspect of teaching and that every day that  
12 teachers go into those settings and they teach  
13 our children, and those of us who are ourselves  
14 products of that system that have come through  
15 the system as it has existed up to now.

16 I've used the analogy before from my  
17 business background of observing what happened in  
18 the early '80s with Coca-Cola and the  
19 introduction of New Coke. I won't repeat that  
20 analogy, but I think it is apt.

21 What I also think is apt is the  
22 story of Enron. Most of us remember that Enron  
23 was a major energy company in the United States.  
24 Ken Lay, the president of it, was a friend of  
25 presidents and prominent individuals. They had

1 enough resources to buy the naming rights for the  
2 Houston Astros' home park. In fact, they used to  
3 call it Ten-Run Field, because it was such a good  
4 hitters' ballpark, instead of Enron Field.

5 But we know what happened to Enron.  
6 They built a business model on sand. And when it  
7 collapsed, it collapsed thoroughly and  
8 completely. And there were brilliant people that  
9 were involved in the selling and the construct of  
10 what Enron did professionally.

11 So it has been proven time and time  
12 again that brilliant people can articulate a  
13 different vision and that vision can be wrong and  
14 that vision can fail.

15 Now, I learned math without the  
16 benefit of Common Core or the New Math. I know  
17 how to count. I know how many votes for this  
18 budget there's going to be in this house, and I  
19 know how many votes there are going to be in the  
20 other house. I don't speak to persuade, I don't  
21 speak to insult anybody who's going to vote in  
22 their own way. But in your own mind, in your own  
23 conscience, you have to be asking yourself a  
24 question: Is this what we should be doing in the  
25 State of New York? You have to ask it.

1           Many of you have served in this  
2 position or in other positions for a long time.  
3 You don't need me to tell you to look at the  
4 scope of what you've seen in your life. But this  
5 is a sea change. We are locking it in because of  
6 a budget and because of financial realities, and  
7 it raises some significant questions. And those  
8 questions, when they get answered, may be  
9 answered to reverse the path that we're on. But  
10 if that reversal comes ten years down the road,  
11 that's ten years' worth of students that we  
12 today, in this government, have written off.

13           And we let the editorial boards  
14 drive us in a direction. Those same editorial  
15 boards told us to take the \$750 million back in  
16 2010. Didn't they? Those are the same editorial  
17 boards that are telling us today that, oh, we  
18 have to make these changes because they represent  
19 reform.

20           Mr. President, you've been very  
21 indulgent. I thank you for your time. I don't  
22 speak all that much in session, so I appreciate  
23 the fact that you allowed me to raise these  
24 questions. I thank Senator Flanagan and my  
25 colleagues for their thoughtfulness.

1           I intend to vote in the negative on  
2 this bill. I intend to hope for the best, but I  
3 am very concerned that we are on a wrong path  
4 today and that path is going to cause us great  
5 difficulty.

6           ACTING PRESIDENT GRIFFO:    Senator  
7 Peralta.

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

10           Today, ladies and gentlemen, is --

11           ACTING PRESIDENT GRIFFO:    Senator  
12 Peralta, are you on the bill?

13           SENATOR PERALTA:    On the bill.

14           ACTING PRESIDENT GRIFFO:    Senator  
15 Peralta on the bill.

16           SENATOR PERALTA:    Today, ladies and  
17 gentlemen, is the birthday of the great labor  
18 leader Cesar Chavez. And how appropriate but yet  
19 sad that we have to talk about how decades later,  
20 after his struggles, that we're still talking  
21 about the lack of dignity and the lack of respect  
22 for immigrants who have come here to this country  
23 to work hard and live the American dream.

24           He would have been 88 years old  
25 today. And he stood for something. He stood for

1 a struggle. It didn't matter to him whether they  
2 were documented or undocumented, but he stood for  
3 a struggle.

4 Mr. President, here we go again.  
5 Another year, another budget that doesn't include  
6 the DREAM Act. This is going to look and sound  
7 like the movie "Groundhog Day," where the same  
8 day gets repeated over and over and over again.  
9 Another year of false fear-mongering propaganda  
10 led by the majority, perpetuating an intolerant  
11 ideology that the sky is going to fall if we  
12 allow these undocumented kids to receive money  
13 from the Tuition Assistance Program, better known  
14 as TAP.

15 But the irony here, Mr. President,  
16 is that the TAP is an entitlement program,  
17 meaning that everyone, including the  
18 undocumented, would have to meet the residency  
19 and income eligibility requirements. Meaning  
20 that everyone would have to file a tax return,  
21 either using a Social Security number or an ITN  
22 number to qualify. And for those who don't know,  
23 an ITN is used by the undocumented to file taxes.  
24 So as long as the household income is under  
25 \$80,000 a year and they met all the criteria in

1 the standard, then and only then would they  
2 qualify to receive TAP.

3 But who cares about these facts as  
4 long as the majority can continue to promote  
5 these falsehoods, that these individuals don't  
6 pay taxes and citizens would have to subsidize  
7 the cost. Well, the irony here is that the  
8 college graduates would contribute over \$60,000  
9 more in taxes than if they didn't receive a  
10 degree. Which means the investment would pay for  
11 itself, and then some, since the maximum  
12 investment that we would be making per individual  
13 would be about \$20,000 for the four-year period.

14 But who cares about these facts as  
15 long as the majority can continue to perpetuate  
16 and promote these falsehoods, that these  
17 individuals won't be able to get jobs anyway  
18 after they graduate because of their immigration  
19 status, even though most can become independent  
20 contractors, can open up small businesses or an  
21 LLC and in turn hire people to work for them  
22 without a problem. And in fact, most immigrants  
23 do. They're about 60 percent more likely to open  
24 up a small business because of their immigration  
25 status. Not to mention that if they qualify

1 under the DACA policy, and if it continues to be  
2 in effect on a federal level, where an individual  
3 can get a temporary status that's renewed every  
4 two years with a valid Social Security number and  
5 permission to work, these kids have another  
6 option to then in turn, again, pay taxes.

7 But who cares about these facts as  
8 long as the majority can continue these  
9 falsehoods, that by giving money -- in this  
10 sense, \$27 million worth -- to the undocumented,  
11 that the children of hardworking blue-collar  
12 parents would lose out because these kids, these  
13 undocumented kids, would take away money from  
14 them.

15 But the irony here, Mr. President,  
16 is that the only reason that these kids of these  
17 hardworking blue-collar parents would lose out is  
18 because their parents' household income is more  
19 than \$80,000 a year. Which means that they would  
20 lose out whether we included these Dreamers or  
21 not. The Dreamers have nothing to do with them  
22 qualifying for TAP, because simply put, ladies  
23 and gentlemen, simply put, their parents just  
24 make too much money to qualify for TAP.

25 Which is why we have been pushing to

1     increase the income eligibility from \$80,000 to  
2     \$150,000 or more. And by the way, if the person  
3     qualifies for TAP, no one will ever say to that  
4     person "We don't have enough money" or "We ran  
5     out of money" because we as a state are required  
6     to find the money for them.

7                     But who cares about these facts as  
8     long as the majority continues to promote these  
9     falsehoods.

10                    Ladies and gentlemen, New York State  
11     and Dreamers have really lost out here today --  
12     New York State because we really had an  
13     opportunity to really live up to our distinction  
14     of being state innovators and progressive  
15     thinkers, and the Dreamers because they had hoped  
16     to attend and graduate college and pave the way  
17     for the next generation. They had hoped to begin  
18     living the American dream and become even more  
19     productive members of society.

20                    But today they have lost out. What  
21     we have done today is punish these kids for the  
22     actions of their parents. What we have done  
23     today is say to them no matter how hard you work,  
24     no matter how many colleges court you because of  
25     your high GPA and your high achievements, and no



1 matter how much taxes your parents pay into the  
2 system, the American dream is not for you because  
3 you are not welcome here. Because your parents  
4 made a decision to bring you to this country  
5 without your consent so that you can live a  
6 better life and actually break the chains of  
7 poverty, receiving a high-quality education.

8           So I hope, Mr. President, that every  
9 one of my colleagues in the majority can sleep  
10 well at night -- and I'm pretty sure you will --  
11 knowing that this was done intentionally here  
12 today, crushing these kids' hopes and aspirations  
13 of succeeding in the only place that they call  
14 home and the only place that they pledge  
15 allegiance to, the only place that they grew up  
16 and know, all over this fear-mongering ideology  
17 of a minority voting bloc.

18           But, Mr. President, like the sun  
19 rises every morning, I too believe that even in  
20 the darkest hours there's still light at the end  
21 of the tunnel, because it's always darkest before  
22 the dawn. So I want to take this opportunity to  
23 call upon the Governor to make it a priority, as  
24 he has said throughout his entire campaign last  
25 year, and he has said throughout this entire

1 budget process.

2           Because when the Governor placed the  
3 DREAM in his executive budget, it lit the spark  
4 in the eyes of every Dreamer. And it sent a loud  
5 message that he too, he too believed in what they  
6 can accomplish. He sent an infusion of hope and  
7 inspiration up the ladder of success that after  
8 all those other disappointing years that this,  
9 this would be the year that the DREAM would  
10 finally become a reality.

11           But yet much to the dismay of all  
12 those Dreamers, the DREAM Act was talked about  
13 being left out of the budget, which led the  
14 Dreamers to go on a drastic hunger strike and  
15 call attention to the importance of this issue.  
16 And even with that, the Dream was pushed out of  
17 the final budget. Needless to say, I, as well as  
18 many others, was disappointed, infuriated,  
19 devastated. These are the words that I've used.

20           But we all know that the Governor  
21 has much more political capital than any of us.  
22 And when he has championed other issues and has  
23 used his political capital, as in the case of  
24 marriage equality, the SAFE Act and even this  
25 year, the ethics reform, he has leveraged it well

1 and sometimes, sometimes, seemingly against all  
2 odds.

3           So today I call upon the Governor to  
4 keep his promise and use his political capital to  
5 ensure that the DREAM is passed before the end of  
6 this session, because these Dreamers are  
7 depending on the Governor now. The ball is in  
8 his court. The fate of their futures are in his  
9 hands, and he can build up his progressive  
10 legacy. And I will stand by him, and I know many  
11 more will stand next to him to do whatever it  
12 takes to make sure that the DREAM becomes a  
13 reality.

14           So I implore the Governor to rise up  
15 above the politics and allow these Dreamers to  
16 wake up one morning to the reality that New York  
17 State is willing to allow them to succeed and  
18 receive TAP in order to achieve their full  
19 potential. In the words of the great Cesar  
20 Chavez, once social change begins it cannot be  
21 reversed. You cannot uneducate the person who  
22 has learned to read. You cannot humiliate the  
23 person who feels pride. You cannot oppress the  
24 people who are not afraid anymore.

25           Finally, Mr. President, since my

1 voice has been taken for granted yet another year  
2 and my leader has not been allowed in the room to  
3 talk about these issues, this budget does not  
4 merit my positive vote. And although I fully  
5 understand, as my colleague Senator Latimer  
6 pointed out, that I am in the minority and I will  
7 not affect the outcome of this final passage, as  
8 it was once said, I'm sick and tired about being  
9 sick and tired of having my vote taken for  
10 granted.

11 So therefore, Mr. President, I will  
12 be voting nay.

13 ACTING PRESIDENT GRIFFO: Senator  
14 Panepinto.

15 SENATOR PANEPINTO: On the bill,  
16 please, Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator  
18 Panepinto on the bill.

19 SENATOR PANEPINTO: There are good  
20 things in this bill. But I think that Senator  
21 Latimer's analogy of kumquats and peanut brittle  
22 is appropriate. I can't think of two things that  
23 less go together than ethics reform, brownfields  
24 and broken education reforms.

25 I would like to be able to vote for

1 ethics reform. I think it's something whose time  
2 has come. I wish that the ethics discussion was  
3 done in the light of day. I wish it was  
4 transparent. But I support the Governor on his  
5 ethics reform.

6 We should disclose our outside  
7 income, we should disclose our clients if it's  
8 appropriate. And I think there are many good  
9 things in the ethics package. I'm happy to  
10 disclose who my clients are. I'm happy to  
11 disclose how much money I make. And we all  
12 should do that. And this legislation will allow  
13 us to do that.

14 Unfortunately, I'm not going to be  
15 able to vote for this ethics package because it's  
16 connected to a broken education package.

17 There's good things in here on  
18 brownfields. I represent 40 miles of waterfront.  
19 We've got Bethlehem Steel that was there, we've  
20 had the Huntley Power Station, we've got 40 miles  
21 of industry along the water, and we benefit from  
22 the brownfields program.

23 Unfortunately, I can't vote for the  
24 brownfields program because it's connected to a  
25 broken educational plan. And I'm disappointed by

1 those things.

2           So let's talk about this so-called  
3 educational plan. We were supposed to have a  
4 transparent discussion about education reform.  
5 Well, our leader wasn't part of that process, our  
6 voices weren't heard, and what we get back is a  
7 process by which due process is taken away from  
8 teachers, where we shift the presumption onto  
9 someone who has been a teacher. We are  
10 eliminating or curtailing, you know, that due  
11 process in the 3020-a procedure.

12           More problematic than that  
13 elimination of due process is that we're  
14 infringing on the collective bargaining  
15 principles that we hold near and dear to our  
16 hearts. The American labor movement was built in  
17 New York State, and it's a disgrace that this  
18 legislation impedes on that collective bargaining  
19 process.

20           How does it impede? Well, this  
21 should be something that should be negotiated at  
22 the bargaining table between teachers and  
23 municipalities. But from on high, we're telling  
24 educators what to do. And we're doing it in a  
25 way that we're imposing our will on boards of

1 education and superintendents, and those  
2 boards are independently elected democratic  
3 bodies.

4           This week a board in my district had  
5 a nonbinding vote to consider whether or not they  
6 would implement Common Core testing. And what  
7 happened as a result of that? They were sent a  
8 threatening letter by the Department of  
9 Education, threatened to be put into  
10 receivership, and got a call from the Lieutenant  
11 Governor. That is not the democratic process.  
12 That's an independently elected board who we  
13 should respect.

14           So where are we going with this?  
15 Well, testing, the overtesting that was mentioned  
16 by Senator Latimer is where we want to go.  
17 There's no correlation between the overtesting of  
18 our children where there's a correlation of the  
19 effectiveness of teachers. The American Society  
20 of Statisticians finds no correlation between  
21 what happens in that test and the effectiveness  
22 of the teacher.

23           So we're going to overtest students,  
24 we're going to stress out parents, and then we're  
25 going to evaluate those teachers based upon

1     flawed tests. The paradigm is upside down.  
2     We're supposed to be educating children to do  
3     well on tests, not educating children to evaluate  
4     their teachers. That's not what's supposed to  
5     happen in the classroom.

6                 So I think what's really going on is  
7     education has become the whipping boy for income  
8     inequality. We don't want to deal with the  
9     systemic income inequality in this country. In  
10    the budget proposal from the Governor we talked  
11    about a minimum wage increase and raising that  
12    minimum wage to \$10.50 in Western New York and  
13    \$11.50 in New York City. We talked about, you  
14    know, a fight for \$15. Income inequality is the  
15    problem. Kids come to school undernourished,  
16    underclothed, and without having the tools to  
17    compete. But we don't want to deal with those  
18    issues, we want to blame teachers for what the  
19    problems of society are.

20                You know, if we don't deal with that  
21    disparity in income, we really are letting down  
22    our democracy. And we've got to fight to raise  
23    people up. This budget could have dealt with  
24    raising the minimum wage, it could have dealt  
25    with, you know, paid family leave, but it chose



1 not to. And it chose to scapegoat teachers in  
2 the process.

3           We could have eliminated the GEA,  
4 the Gap Elimination Adjustment. We chose not to.  
5 And in fact what we did with the Gap Elimination  
6 Adjustment is we funded 63 percent of the Gap  
7 Elimination Adjustment. Now, I haven't been in  
8 school in a long time, but that's a failing  
9 grade. Sixty-three percent is a failing grade  
10 for the GEA. We get an F for New York State  
11 because we didn't fully fund that gap  
12 elimination.

13           We deserve an A+ in education. And  
14 we don't have failing schools. My daughters  
15 attend a school in Buffalo, New York, that's a  
16 public school that's rated among the top ten in  
17 the country. I pay my taxes, and they go to that  
18 school and they're taught by tremendous teachers.  
19 And we don't have a broken education system, we  
20 have a broken economic system. And we don't want  
21 to deal with the broken economic system.

22           So I'm ashamed that we're only  
23 funding 63 percent of the GEA. That's a failing  
24 grade. We're New York. We should be funding it  
25 at 95 percent or 100 percent. That would give us

1 an A+. And our kids deserve an A+ in education.  
2 We shouldn't scapegoat teachers. We shouldn't  
3 overburden parents. We shouldn't stress out  
4 kids. We should fund education like we're  
5 supposed to and like the courts say we should.

6 So I'm voting no on the bill,  
7 although there's some good things in it. But we  
8 should not punish our kids and hold them hostage  
9 for our inability to do the right thing and fund  
10 education.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Díaz.

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

16 Ladies and gentlemen, today is a  
17 very difficult day. It's a very difficult  
18 situation which we are all in. Again, I have to  
19 ask the same question, Mr. -- on the bill, I'm  
20 sorry.

21 ACTING PRESIDENT GRIFFO: Senator  
22 Díaz on the bill.

23 SENATOR DIAZ: Again, I have to ask  
24 the same question that I asked last night. Last  
25 night we were debating taxes for the rich who

1     could buy airplanes and boats, and there were  
2     some Senators in my party stating that those were  
3     taxes for the rich. And there were some Senators  
4     from my party saying that they were not taxes for  
5     the rich.

6                 Today we are dealing with a bill  
7     where my colleagues, my county chairman, my  
8     speaker, my democratic colleagues in the Assembly  
9     coordinate it, talk about it, plan it with the  
10    Governor, a Democrat, with the leader of the  
11    Republican Party, and there was a three-way  
12    agreement in this bill.

13                So I have the same predicament that  
14    I had last night. I've got some members of my  
15    Democratic Party saying that this is a good bill  
16    they coordinated that will protect children in  
17    the school. I have some members of my Democratic  
18    Party saying this is a terrible bill, that we  
19    should not vote for it.

20                And we come here tonight and if we  
21    vote against the bill, some people will say we  
22    are voting against the children and we are  
23    protecting the unions and we are protecting other  
24    interests and not the interests of our children  
25    in our schools. If we vote in favor of the bill,

1     there are people going to say that we are  
2     anti-teacher, that we are against the teachers,  
3     and that we are voting against the unions.  
4     That's the predicament that we have, especially  
5     on this side of the aisle.

6                     On the other hand, Mr. President,  
7     let's see what is facts. Fact number one. There  
8     are 178 failing schools in the State of New York.  
9     Fact, 178 failing schools in the State of  
10    New York. Fact, undeniable.

11                    A second fact: 250,000 children,  
12    the majority of them black and Hispanic, have  
13    been sent for the last 10 years, knowingly,  
14    purposely, have been sent to those failing  
15    schools. For the last ten years, 250,000  
16    children, the majority of them, not to say all of  
17    them, the majority of them black and Hispanic  
18    children have been sent to failing schools.

19                    Fact: 79 of those 178 failing  
20    schools are located in the City of New York.  
21    Seventy-nine of those failing schools are located  
22    in the City of New York, fact.

23                    Fact, 40 of those failing schools,  
24    Mr. President and ladies and gentlemen, 40 of  
25    those failing schools are located in Bronx

1 County. And nine of those failing schools are  
2 located in the district that I represent. Fact,  
3 250,000 children have been sent to failing  
4 schools in the last ten years, 178 failing  
5 schools in the State of New York, 79 of those  
6 failing schools in the City of New York, 40 of  
7 those failing schools in Bronx County, and nine  
8 of these failing schools in my district.

9 Fact. Should I -- am I against the  
10 teachers or am I in favor of the children? Am I  
11 against the children or am I against the  
12 teachers? These facts and other facts, 800,000  
13 children are being -- have been failed every  
14 year, 800,000 children.

15 So we are here today, I represent  
16 the City of New York, I represent a district in  
17 the Bronx County. And I'm here, ladies and  
18 gentlemen, with all due respect to everybody  
19 else -- and to everyone, I always, when I have to  
20 speak, I speak my mind and I do what my counsels  
21 tell me. But I'm here to look out for the  
22 children, not for teachers, not for unions, not  
23 for the mayor, not for the governor, not for  
24 anybody. I'm here to look out for the best of  
25 the children that I represent.

1                   What are the reason for these  
2   failing schools and for 250,000 kids have been  
3   sent for the past ten years to failing schools?  
4   What are the reasons why 79 of those failing  
5   schools are in the City of New York? And what  
6   are the reason that 40 of them are in the Bronx,  
7   and what are the reason that nine of them are in  
8   my district?

9                   Some people say it is because of  
10   lack of money. Some people say that happened  
11   because of lack of money. Some other people say,  
12   wait -- and I'm one of them -- money is always  
13   needed and we should work to protect and to be  
14   sure that our public school system works for our  
15   children and that black and Hispanic children  
16   stop being left out. All children, especially  
17   black and Hispanic children.

18                  And other people say the reason  
19   is -- this is the simple reason. The City of  
20   New York, when we distribute money, every county  
21   or every district gets money assigned to those  
22   districts. But the City of New York is one  
23   district, the whole city. So when the money is  
24   distributed, the money goes to one district, the  
25   City of New York.

1                   And ladies and gentlemen, no matter  
2                   how much money we have put -- because I have been  
3                   here for the last 12 years, and every single year  
4                   we assign money to assist them. Every single  
5                   year we assign money to assist them, and every  
6                   single year the schools in black and Hispanic  
7                   communities are rotten. Every single year we  
8                   assist with money, but the money never gets to  
9                   our children. The money never gets to the  
10                  districts that really need the money. Because  
11                  the money here goes to one district, and the one  
12                  district is the City of New York, so the City of  
13                  New York distributes the money according to how  
14                  they please.

15                 It is not until something is done to  
16                 change that system and we could assign and locate  
17                 the money directly to the districts, so  
18                 District 7 in the Bronx, so District 9, so  
19                 District 12 in the Bronx could get directly the  
20                 money. Then we will have a chance to save our  
21                 children. But not until we do that, not until we  
22                 do that, ladies and gentlemen, no matter how much  
23                 money we put, no matter how much money we send,  
24                 the money never gets to our districts.

25                 And I'm telling you here in front of

1     you and in front of my Lord Jesus and Savior,  
2     that's the truth. Our children, our districts  
3     don't get the necessary money that they need.  
4     But we -- we -- we send money. District 7 in the  
5     Bronx, they don't get the money -- they get some  
6     money. District 9 in the Bronx, oh, they get  
7     some money. District 12, oh, they get some  
8     money. But the real money, the money that they  
9     need, they don't get because it's supposed to go  
10    directly to the city.

11                 So, ladies and gentlemen, if you  
12    want to stop the abuses, you want to stop all  
13    these things, let's change the system. Let's  
14    assign the money instead of assigning the money  
15    to the one district, the City of New York, let's  
16    assign the money to districts. District 7,  
17    directly, here's your pile of money. District  
18    12, District 9, here's your pot of money. You do  
19    now what you're supposed to do. And I assure  
20    you, Mr. President, I assure you, ladies and  
21    gentlemen, that the whole thing will stop.

22                 So money is not the problem. The  
23    problem is who gets the money. Money is not the  
24    problem, the problem is who gets the money.

25                 Now, to do that and to try to save



1 our children, some people have tried to create  
2 some solutions. Before I was an elected official  
3 and before charter schools came to the system,  
4 Reverend Floyd Flake -- Reverend Wyatt Tee Walker  
5 from Manhattan and Reverend Floyd Flake from  
6 Queens and myself, the three of us got together  
7 to lobby for charter schools before charter  
8 schools.

9           And charter schools came about  
10 because, because the idea was let's try to do  
11 something to protect and to try to save our  
12 children, and at least until this problem with  
13 the money going directly to our district in the  
14 public system -- and, ladies and gentlemen, the  
15 public system works. And I know, if the money  
16 goes to our districts directly, it works. It  
17 will work.

18           Once you send the money directly to  
19 the district, the public system of the schools in  
20 my districts, in our districts will work. But  
21 they will never get the money. The money will  
22 never get to them because there's other things  
23 more important than to send the money directly to  
24 where it's needed.

25           So charter schools came to be, and

1 charter schools were a creation to be located in  
2 black and Hispanic communities to serve black and  
3 Hispanic children. At least a little bit, to see  
4 what we could do.

5 In this budget, some people that say  
6 that they are for the children, those that fry  
7 biscuits for the children, they fry and they're  
8 oooh, we're for the children. Yeah, because  
9 everybody use the black and Hispanic children for  
10 their needs. And everybody use the black and  
11 Hispanic children whenever it's good for them.

12 And I told somebody, the other day I  
13 told somebody: You know something, our  
14 community, the black and Hispanic community, our  
15 minority community, I don't know why we're doing  
16 so bad, because everybody fight for us.  
17 Everybody fight for the poor. Everybody fight  
18 for black and Hispanic children, everybody for  
19 the children.

20 Why are we doing so bad? Why all  
21 our schools are doing so bad? Why are we having  
22 250,000 children sent to failing schools for the  
23 last ten years? Why? Where are those saviors?  
24 Where have been all those protectors of our  
25 children's education that knowingly, knowingly,

1 ladies and gentlemen, knowingly, they have sent  
2 our children to failing schools.

3           So there was a law invented, the  
4 Educational Income Tax Credit, to try to help  
5 another way. So no education tax credit, no  
6 charters. Because people don't want charter  
7 schools, people want more money, more money, more  
8 money. More money. No, no, no charter schools  
9 where black and Hispanic children are being --  
10 taking opportunities and being saved. No charter  
11 schools. More money, more money. No education  
12 tax credit, because that's no good. More money.  
13 More money.

14           Go to the schools in my districts,  
15 in black and Hispanic neighborhoods, and you will  
16 see how they look and you'll see how they are.  
17 So go to those areas, go to other areas and  
18 compare. And you will see, ladies and gentlemen,  
19 you will see that our children are always the  
20 ones, our students are always the ones left  
21 behind. Left behind.

22           And I -- I -- I didn't come here to  
23 fight for nobody else's interests. I didn't come  
24 here and -- I don't go campaigning to say vote  
25 for me because I'm going to help you out. And

1 when I come here and say, oh, no good, this no  
2 good, this is no good. I came here -- and I  
3 always do what my conscience tell me. I have  
4 always done what I believe is right.

5 And ladies and gentlemen, yes, of  
6 course for the last four years I have been  
7 standing in my conference and here and telling  
8 all my colleagues the DREAM Act is not in, let's  
9 vote against it. Nobody listened for four years.  
10 Oh, no, they go, oh, no, no, he's a Democrat, we  
11 got to do it. Oh, no.

12 This year again, the fifth year,  
13 this year again, no -- no -- no DREAM Act.  
14 People that were saying people three months ago,  
15 people that were saying two months ago, if  
16 there's no DREAM Act, he's going to see we will  
17 not vote for it, and you will see I will not vote  
18 for this thing, for this budget if there is no  
19 DREAM Act on it. The DREAM Act, the same people  
20 are now saying this is a good budget. I'm  
21 disappointed.

22 Ladies and gentlemen, some people --  
23 people say "I'm tired." Well, I'm tired too. My  
24 first concern is the children. Children first.  
25 Children first. And charter schools have been

1 helping children, black and Hispanic children, in  
2 my districts in our communities. And that's my  
3 only concern.

4 Charter school works, public school  
5 works. Public school is good. But again, the  
6 money doesn't get to our communities. It is not  
7 that it's a public system. It is not the  
8 teachers, it is not -- it's the money, where the  
9 money goes. Let's change the system. Let's  
10 change the system. Let's change the system.

11 My friend here, let's change the  
12 system. Senator Rivera, let's change the system.  
13 Let's change the system in a way that the money  
14 goes directly to the districts, where our  
15 districts goes with that money. Once the City of  
16 New York gets the money, our communities don't  
17 get the money they need. Our areas don't get the  
18 money they need.

19 So whose fault is that? It's not  
20 the teachers. It's not the public education.  
21 It's how the money's being distributed. The  
22 money doesn't get to us. Once again, again --  
23 and with this I'll conclude -- again, no matter  
24 how much money we assign, no matter how much  
25 money we assign to the district, one in New York,

1     there is one district, the money doesn't get to  
2     the districts that need it. Never gets to them.  
3     Not until we change the system in how the  
4     district is going to the city and the money goes  
5     directly to districts, then the thing will  
6     change.

7                     Meanwhile, meanwhile my suggestion,  
8     I'm happy, I'm honored to say meanwhile, till  
9     that time comes, charter schools. Charter  
10    schools till that time comes. Education income  
11    tax credit till that time comes. But until that  
12    time comes, nothing going to happen, and I will  
13    continue fighting for charter schools.

14                    And that's why I'm voting yes in  
15    this one. Thank you.

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

18                    Senator Stavisky.

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

21                    ACTING PRESIDENT GRIFFO: Senator  
22    Stavisky, are you on the bill or do you have  
23    questions?

24                    SENATOR STAVISKY: No, I would like  
25    to ask a couple of questions.

1                   ACTING PRESIDENT GRIFFO:    Okay.

2   Senator Flanagan?

3                   SENATOR STAVISKY:    I assume Senator  
4   Flanagan.

5                   SENATOR FLANAGAN:    Yes.

6                   ACTING PRESIDENT GRIFFO:    Okay,  
7   Senator Stavisky, you may pose your questions.

8                   I want to remind the members that  
9   we're closing on the time of --

10                  SENATOR STAVISKY:    I know that.   I  
11   will be relatively --

12                  ACTING PRESIDENT GRIFFO:    No, no,  
13   you're fine, I'm just giving general information  
14   for the membership as a whole.

15                  SENATOR STAVISKY:    If the Senator  
16   would yield.

17                  SENATOR FLANAGAN:    Yes.

18                  SENATOR STAVISKY:    I am one of the  
19   few teachers serving in the Legislature, as I've  
20   said many times.  My colleague across the aisle,  
21   Senator Marcellino, is the other one.  We are  
22   both high school teachers.

23                  Oh, I'm sorry, Senator LaValle also.  
24   And I think Senator Stewart-Cousins.  And Senator  
25   Little.  Then I speak on behalf of everybody.

1 (Laughter; cross-talk.)

2 SENATOR STAVISKY: One of my  
3 teaching positions was at a vocational high  
4 school in Queens, Thomas Edison. And when I was  
5 hired, I was asked "Can you teach math?" Because  
6 my license area, social studies, we had plenty of  
7 social studies teachers. But very few math  
8 teachers, which I think is a problem today. We  
9 are short of people who can teach in the STEM  
10 subjects.

11 How would this legislation affect my  
12 evaluation as a teacher of math teaching out of  
13 license?

14 SENATOR FLANAGAN: Teaching out of  
15 license?

16 SENATOR STAVISKY: Yes. I'm a  
17 licensed social studies teacher, but I was given  
18 a program of math to teach. I had a lot of math  
19 in college. But nevertheless, I was not licensed  
20 in math. How would my evaluation and tenure be  
21 affected by this legislation?

22 SENATOR FLANAGAN: Senator  
23 Stavisky, I'm going to give a two-part answer.

24 And I try very hard to pay  
25 attention; I'm not exactly sure. I'm not sure



1     that it would be any different under this  
2     proposed new law than it would be under present  
3     or existing law. And my good colleague from  
4     Staten Island reminds me that the City of  
5     New York, as many other places, endeavors to make  
6     sure that people are teaching in their  
7     certification. And I'm sure that's a continued  
8     effort on the part of the city.

9                     SENATOR STAVISKY: Before I taught  
10    at -- if the Senator would continue to yield.

11                    SENATOR FLANAGAN: Yes.

12                    SENATOR STAVISKY: Before I taught  
13    at Edison, I taught at a high school. In fact,  
14    my first teaching job was at a high school in  
15    Manhattan that was all boys, it was called  
16    Haaren. It was at 59th Street and 10th Avenue.  
17    It's now John Jay College.

18                    But the boys there came from often  
19    single-parent homes, they were often students who  
20    could not read, they were disciplinary problems.  
21    They were struggling, quite frankly. And how  
22    would my evaluations in a school where the  
23    reading level was extremely low, these are not  
24    students who would do well on standardized  
25    testing -- and yet would I continue to be

1 evaluated based upon my students' test scores?

2 SENATOR FLANAGAN: What subject are  
3 you teaching?

4 SENATOR STAVISKY: Social studies.

5 SENATOR FLANAGAN: So you're not  
6 ELA/math 3 through 8, you're outside the state  
7 tests?

8 SENATOR STAVISKY: That's correct.

9 SENATOR FLANAGAN: Okay. So I  
10 believe it's accurate that we have a framework  
11 right now of 20, 20, 60.

12 And there are opportunities, and  
13 I've had many discussions with districts outside  
14 of the City of New York where they have  
15 collectively bargained, non-ELA and math  
16 teachers, at the school district level -- and  
17 again, I would repeat, collective bargained that  
18 they will use either schoolwide measures or -- I  
19 had one district visit me from Senator LaValle's  
20 area in which they said they originally started  
21 out with SLOs, which you know are student  
22 learning objectives, and they didn't like that.  
23 So without any change in the law, they  
24 collectively bargained to go and be evaluated  
25 based on the test scores of the teachers 3

1 through 8.

2 I believe that what we are trying to  
3 achieve are a number of different things. And I  
4 think there's almost unanimity on some of the  
5 factors that you spoke to directly and others  
6 have raised separately. And I'm going to give  
7 you what I think and hopefully use that as maybe  
8 a modicum of what legislative intent would be.

9 If you have two teachers who are  
10 competent and qualified, and in one class there's  
11 25 students who I'll use the loose description  
12 are, quote, unquote, gifted and talented, and  
13 then you have in the next classroom 25 students,  
14 there's 7 children with IEPs, there are six  
15 English language learners, there are children who  
16 are chronically in poverty, children who are  
17 undernourished and malnourished, I believe that  
18 our intention is do everything conceivable, and  
19 some of that protection exists within existing  
20 law that can be collectively bargained, but  
21 everything conceivable to make sure that those  
22 factors are taken into account.

23 There are comments in the  
24 legislation that speak to correspondence between  
25 the Governor's office and the chancellor,

1     Chancellor Tisch, in which she had written about  
2     a 20-page response to inquiries from the  
3     Governor's office. They lay out some of those  
4     concerns. And I want to make sure that IEPs,  
5     students with disabilities, English language  
6     learners, indices of poverty, including free and  
7     reduced lunch, would be part of anything that  
8     ultimately leads to a teacher's evaluation,  
9     regardless of subject.

10                 ENATOR STAVISKY:     Thank you.

11                 On the bill.

12                 ACTING PRESIDENT GRIFFO:     Senator  
13     Stavisky on the bill.

14                 SENATOR STAVISKY:     I believe that  
15     the principal is the leader in the school. The  
16     principal in a high school, it's usually the  
17     assistant principal, will come and evaluate the  
18     teachers. And that's good. I think the  
19     principal sets the tone. And I'm convinced that  
20     a good school begins with a good principal, as  
21     well as teachers who are licensed, involved  
22     parents, school support staff, et cetera.

23                 But what happens if the principal  
24     and the teacher do not get along? What happens  
25     if the principal just doesn't like the teacher?

1 That teacher is going to get an unsatisfactory or  
2 a poor evaluation. That I find troubling.

3 Secondly, I am concerned that  
4 teachers are not going to want to go into these  
5 school districts where children may not speak  
6 English, they may be ELL students, they may be  
7 disabled, they may have special needs. They may  
8 be disadvantaged in a whole variety of ways.

9 And I'm concerned that teachers are  
10 not going to go to those school districts.  
11 They're going to be more concerned about their  
12 evaluations and about receiving tenure than  
13 teaching the children. That is a concern.

14 Secondly, I represent a school  
15 district in New York City of immigrants. My  
16 Senate district, as I've said many times, is  
17 about two-thirds Asian-American. And these  
18 children come to the United States as children,  
19 and they don't speak English. They learn very  
20 quickly. But again, it's difficult to attract  
21 teachers, quite often, to schools that are a  
22 little different than the schools that they're  
23 used to.

24 The observation reports are so  
25 subjective that I'm not sure that that is the

1 best way to evaluate teachers in conjunction with  
2 the students' achievements on this standardized  
3 testing. I'm afraid that there is such an  
4 emphasis on high-stakes testing that it becomes  
5 unfair for these children.

6 All of these issues I think are of  
7 concern to me. And lumping these issues into a  
8 bill -- what was it, pretzels and -- no, no, not  
9 pretzels, peanut brittle and kumquats. Lumping  
10 ethics legislation into this bill is a mistake,  
11 because I think we all support strong ethics  
12 legislation. I don't think it's strong enough.

13 Brownfields. Extremely important in  
14 my Senate district, particularly in Flushing and  
15 downtown Flushing, which is a brownfield area and  
16 which is undergoing tremendous economic  
17 development, and it will continue with the  
18 brownfields cleanup that I think is going to  
19 occur in the next few years.

20 I think we're doing a disservice to  
21 our constituents, and I think we're doing a  
22 tremendous disservice to the children. Because  
23 with all due respect, they are our clients.  
24 They're the ones who we care about. And yes, I  
25 do care about our children. And I intend to vote

1 no on this bill.

2 Thank you, Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Espaillat.

5 SENATOR ESPAILLAT: Yes,  
6 Mr. President, thank you. On the bill.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Espaillat on the bill.

9 SENATOR ESPAILLAT: Yes, I will  
10 address three issues hopefully quickly. Time is  
11 of the essence.

12 First, on high-stakes testing. It  
13 was just brought up by my colleague the impact  
14 that it's having on the performance, the academic  
15 performance of children. And I will limit myself  
16 to the City of New York, where 50 percent of  
17 New Yorkers are now foreign-born or the sons and  
18 daughters of folks that came from other places  
19 across the world.

20 And language proficiency continues  
21 to be a major hurdle in the academic achievement  
22 of children. And I can tell you that because I  
23 was one of those kids that sat in the back of a  
24 classroom for three years, two to three years,  
25 not knowing what was being said. Didn't have

1   bilingual education back then; monolingual  
2   education. I sat in the back of a classroom for  
3   three years not really understanding what was  
4   being said.

5                   And so in a city that has  
6   50 percent, Senator Flanagan, of kids from  
7   outside the country -- and you can go to the  
8   neighborhoods of the City of New York, and you  
9   see them, how they change. Chinatown is no  
10  longer downtown in Manhattan, it's in Flushing.  
11  The real Chinatown is in Flushing. The Mexican  
12  community now lives in East Harlem. There are  
13  Africans in the Bronx, Southeast Asians in  
14  Queens, Russians in Brooklyn.

15                   And so this is a city, an  
16  amalgamated city of different cultures from  
17  around the world, where the kids that make up the  
18  educational system have a problem with language  
19  proficiency. Maybe they can read, maybe they can  
20  speak, but when they begin to write the language,  
21  they have difficulties.

22                   And if you take math, which used to  
23  be a computation science, it's no longer a  
24  computation science. It is a science designed to  
25  elicit analytical reasoning. In fact, you need



1 to have greater proficiency in reading to  
2 decipher a very complicated math problem where  
3 the answer is a trick answer, somewhere that you  
4 may not know where it is, certainly if you don't  
5 speak, write or read the language with  
6 proficiency.

7                   So language proficiency continues to  
8 be a major, major challenge for our kids. And  
9 when you have a kid right off a plane being  
10 forced to take a Regents exam in English language  
11 arts, which is tough enough for you as born kids,  
12 you're setting that kid to fail. And half of the  
13 kids in our school system are in that  
14 predicament.

15                   So unless we break away from this  
16 high-stakes test-taking model which just pushes  
17 the kids to gobble up information without really  
18 taking the time to address their linguistic  
19 needs, we're going to continue to fail. We're  
20 going to fail in English language arts. We're  
21 going to fail in math and science, which are no  
22 longer computation sciences, but they are now  
23 sciences that -- and if you speak to Kaplan and  
24 some of the other test-makers, they will tell you  
25 they hide the answer.

1                   One day I was having a breakfast and  
2 explaining to a group of business leaders down in  
3 the Wall Street area about how difficult it was  
4 for a foreign-born kid to determine the answer,  
5 and the guy sitting right across from me said "I  
6 know, because I make those tests." He was one of  
7 the Kaplan guys. "And we design those tests to  
8 make it difficult linguistically for you to get  
9 the right answer."

10                  And so these kids are facing major  
11 hurdles. Yes, it's not just about money. And  
12 the teachers are facing great challenges because  
13 they have to face these real-life situations  
14 every day in their classrooms.

15                  And so the problem is more complex  
16 than meets the eye. And I can tell you, again,  
17 because I was one of those kids. I lost a grade  
18 when I came here, because back then they would  
19 take a grade away from you. I was a good math  
20 student back home. And when I came here, I was  
21 doing math above grade level. But I couldn't  
22 speak the language for three years, Lanza. I  
23 couldn't speak the language. And so I fell back.

24                  When I got to college -- I found one  
25 of my freshman college papers at my mother's

1 house the other day, and I read it. And I said,  
2 man, I wasn't really there. I wasn't there yet.  
3 Not like I am right now. Maybe some of you can  
4 say that I speak Shakespearean English now,  
5 right? Right?

6 (Laughter.)

7 SENATOR ESPAILLAT: And I read it  
8 and I said, wow, you know, I was not really  
9 there. But when I looked at it, I was only six  
10 years in the country. Most of the data tells you  
11 that it takes seven years for you to master a  
12 language.

13 So if 50 percent of our kids are  
14 foreign-born, if they're facing these  
15 language-related issues, proficiency issues, and  
16 we continue to treat them the same way and cut  
17 them with the same scissors, we're going to  
18 continue to fail.

19 So I am against high-stakes testing.  
20 And I think the teachers are facing great  
21 difficulties in the classroom, greater than meet  
22 the eye. And I'm not here to defend anybody.  
23 I'm here to defend the kids. I was one of those  
24 guys.

25 But we need to change that model.

1 And maybe more money needs to come to the  
2 classroom, that's right. Maybe we need to take a  
3 look at the bureaucratic setup and how much money  
4 that's gobbling up that's not trickling down to  
5 instruction in the classroom. And so that's the  
6 first issue.

7           The second issue is totally  
8 different. And I now understand, you know, we  
9 may be getting into this three-card monte game  
10 again, DeFrancisco, because now I have to speak  
11 about ethics. And whereas this part of the bill  
12 also brings about some changes such as reporting  
13 outside income, a review of the per-diem process,  
14 I don't know really how much change happens  
15 there.

16           When I come from the garage, I swipe  
17 in. When I come from the garage into the LOB  
18 building, I swipe in. Maybe we'll have to swipe  
19 in again over here. And that's fine, I'll swipe  
20 in three or four times. Does that really take  
21 care of the ethical problem in Albany? I don't  
22 know.

23           And then you have the pension issue  
24 that we just took up right now.

25           Unless we bring about changes in

1 campaign finance, unless we bring about public  
2 financing of campaigns, money will continue to  
3 run this town. Money will continue to run this  
4 town.

5           So let's come back at another  
6 juncture, maybe not in the budget, and let's talk  
7 about public financing of campaigns and how we  
8 can level out the playing field so that I can  
9 have four people run against me. Why should we  
10 worry so much about being primaried or run  
11 against? That's what we're here to do. Let  
12 people run. Let people have the ability to raise  
13 a little money and be as competitive financially  
14 as I can be as an incumbent.

15           There's no issue with that. I've  
16 had 15 primaries in the last 17 years. You know  
17 about that, Senator, right? And so unless you  
18 have public financing of campaigns, we will  
19 continue to face these major issues.

20           And finally, Senator Peralta was  
21 very eloquent in speaking about the omission of  
22 the DREAM Act in this budget. And I will tell  
23 you what Langston Hughes said in his rendition of  
24 "Harlem":

25           "What happens to a dream deferred?

Does

1                   like a raisin in the sun?                   Or fester like  
2                   And then run?                   Does it stink like rotten  
3                   Or crust and sugar over --                   like a syrupy  
4                   Maybe it just sags                   like a heavy load.  
5                   Or does it explode?"  
6                   I think it will explode.  
7                   We need to bring these kids into the  
8 educational system and give them the tools that  
9 all New Yorkers have at their disposition to be  
10 better members of our society.  
11                   I will be voting in the negative,  
12 Mr. President.  
13                   ACTING PRESIDENT GRIFFO:    Senator  
14 Sanders.  
15                   SENATOR SANDERS:    Thank you,  
16 Mr. President.  
17                   My colleagues have all waxed  
18 poetically on these great issues -- on the bill,  
19 of course.  
20                   ACTING PRESIDENT GRIFFO:    Senator  
21 Sanders on the bill.  
22                   SENATOR SANDERS:    And there are  
23 many things that we can say, but let me say this.  
24 In roughly three hours the Empire State, God  
25 willing, will have a budget. The Empire State

1 will have a budget.

2 But a budget is really a reflection  
3 on priorities. A budget is the reflection of  
4 what the state is, who are we as a state. And  
5 with that in mind, we've gone from -- we've taken  
6 some amazing turns while I've been here. We went  
7 from the rising tide of the DREAM Act to the --  
8 we became the rising tide that lifts all yachts.

9 (Laughter.)

10 SENATOR SANDERS: We've come a long  
11 way. We've gone from obeying the law with CFE to  
12 spiting the law with our educational budget.  
13 We've come a long way.

14 Although there are many good and bad  
15 things in this budget, perhaps the most glaring,  
16 the most costly, the most horrible omission that  
17 we have done has been our failure to raise the  
18 minimum wage.

19 Perhaps we have gotten a little bit  
20 too far away from the average man and woman on  
21 the street, trying to make ends meet and live on  
22 the minimum wage. Perhaps we have forgotten what  
23 it's like -- and maybe we've never known what  
24 it's like to try to feed a family on the minimum  
25 wage, a wage that has not increased in many

1 years.

2                   This is going to be costly to us as  
3 a society because raising the minimum wage, my  
4 friends, is one of the best economic stimulus  
5 that you can have. Any economist is going to  
6 tell you that one of the best ways of stimulating  
7 an economy is raising the minimum wage.

8                   Why? Because unlike the  
9 billionaires that we seem to have catered to, the  
10 low-wage workers, they don't buy jets, they don't  
11 buy yachts. They buy food, they buy clothing.  
12 They go to the local stores, not to the hedge  
13 funds. They don't put their money away. They're  
14 taking care of immediate needs. And therefore  
15 you have stimulated your economy better than any  
16 of these ideas of giving more to the rich.

17                   Trickle-down. How about bubbling up  
18 instead of trickling down?

19                   My friends, let me just point to one  
20 thing. And I'm going to be quick, Mr. President.  
21 I'm going to get us to 12 o'clock. Scott  
22 Stringer, who's the comptroller of New York City,  
23 he gave two, but I'll just read a small one. He  
24 said "A minimum wage of 13.13 is likely to  
25 benefit New York City's working poor



1 substantially. The Comptroller's office  
2 estimated that nearly 1.2 million New York City  
3 workers who would benefit from the increase would  
4 experience a weekly impact on average earnings  
5 large enough to improve their housing stability  
6 and health security."

7           Meaning that we could have saved  
8 ourselves a lot of money. We're spending a lot  
9 of money trying to prop up people inside, keep  
10 you in your house. Why don't we just pay them  
11 enough so they can pay their own rent and won't  
12 need a subsidy? We're spending enough to try to  
13 catch up after the fact when we should deal with  
14 their health now. So we missed our opportunity,  
15 my friends, and America is going to suffer for  
16 years to come.

17           So as I conclude, Mr. President -- I  
18 told you I was going to be quick. You owe me  
19 some time. But that's all right, I'll get it the  
20 next budget.

21           So as I conclude, may we in the  
22 Empire State return to our mission, return to  
23 helping people pull themselves up by their  
24 bootstraps instead of stepping on their  
25 bootstraps as we rush to cater to the

1 well-heeled.

2 Thank you very much, Mr. President.

3 ACTING PRESIDENT GRIFFO: Thank  
4 you, Senator Sanders. I appreciate that.

5 Senator Hoylman.

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

8 ACTING PRESIDENT GRIFFO: Senator  
9 Hoylman on the bill.

10 SENATOR HOYLMAN: Thank you.

11 And thank you for your fairness  
12 throughout tonight's proceeding.

13 I'm going to be speaking briefly on  
14 Part CC of ELFA, the ethics disclosure portion.  
15 And while there is some of it I think we will we  
16 all appreciate -- taking steps for additional  
17 disclosure of income, disclosure of clients,  
18 exceptions to disclosure, per diem reform,  
19 pension forfeiture, the use of personal campaign  
20 funds, independent expenditures, different issues  
21 addressed and not addressed -- I would like to  
22 say that fundamentally, Mr. President, I don't  
23 think this addresses the problem that we have in  
24 our Legislature.

25 And the problem is practicing

1 lawyers, frankly. I can say that; I'm one. I'm  
2 a lawyer. But we lawyers, we're paid, it is our  
3 profession, we are trained, we learn how to find  
4 loopholes.

5 So you can't tell me, Mr. President,  
6 that the lawyers in this chamber and the lawyers  
7 who work for lawyers in this chamber aren't  
8 already poring over this legislation trying to  
9 find ways to subvert it. And that's the problem.

10 Fundamentally, you can't serve two  
11 masters. Either you represent the people of the  
12 State of New York or you represent your clients.  
13 You can't have it both ways.

14 Yes, it is profitable, as we know,  
15 to have outside clients. But the problem,  
16 Mr. President, is that when you are a lawyer --  
17 and I think the nonlawyers know this too -- you  
18 have confidentiality with your clients, a  
19 fiduciary relationship. You have secrets,  
20 secrets that you share with your clients, that  
21 are only between you and the client. Where do  
22 the people of New York come into that equation?

23 Now, this bill attempts to address  
24 that by requiring certain practices of law to  
25 reveal their clients given certain thresholds of

1 expenditure. But again, fundamentally, we  
2 haven't addressed the root problem.

3 Now, there isn't any need to permit  
4 outside income, in my opinion, especially after  
5 this bill, because this Legislature and the  
6 Governor have wisely taken steps to establish a  
7 pay commission. So for all the lawyers who feel  
8 like they don't make enough money here, well,  
9 that will be addressed.

10 So I'm hoping, Mr. President, that  
11 this is another step that we can rely on to  
12 fundamentally alter this chamber and have only  
13 professionals who serve the people rather than  
14 outside interests.

15 I think that we should also  
16 understand why lawyers might get hired by  
17 clients, lawyers who work in the Legislature. I  
18 mean, let's face it, you're a Senator. That's  
19 access. And we should address that head-on by  
20 banning the practice of law while being members  
21 of the Legislature.

22 We don't have to reinvent the wheel,  
23 either. Congress has already done it. They had  
24 their Watergate moment. I think we're actually  
25 undergoing ours, to a certain extent. In

1 Congress you cannot practice law and you're  
2 limited in outside income to 15 percent of your  
3 base salary. We should follow suit. The  
4 Attorney General and others have suggested even  
5 greater restrictions on outside income. I think  
6 it's time that the Legislature addresses that  
7 too.

8 Now, frankly, I think this is the  
9 only place in America where we seem to feel sorry  
10 for lawyers. And we shouldn't. There's more of  
11 us than them. And we should end the lawyer  
12 exceptionalism in the New York State Legislature.  
13 Let's ban fiduciary relationships. Let's end  
14 outside income. Let's serve the people of  
15 New York and only the people of New York.

16 Thank you, Mr. President.

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

19 I just want to extend a reminder to  
20 everyone that we have exceeded the time. I am  
21 going to exercise some flexibility and allow  
22 debate to continue. We do have several more  
23 members and several other bills before the house,  
24 so I'd just ask members to be respectful of that,  
25 so each will have the opportunity to be heard.

1 I'll call on Senator Comrie now.

2 Senator Comrie?

3 SENATOR COMRIE: Mr. President, on  
4 the bill.

5 ACTING PRESIDENT GRIFFO: Senator  
6 Comrie on the bill.

7 SENATOR COMRIE: I'm rising today  
8 to vote no on the bill. There are many issues  
9 that need to be addressed that have not been  
10 addressed that affect our community. I'll focus  
11 on some that affect my district.

12 I'll focus on agreeing with most  
13 of -- everything that Senator Latimer said. My  
14 district has a high turnover of foster-care  
15 children in many of our schools, where some of my  
16 schools have a 40 percent turnover in foster-care  
17 children in the building within a year. There's  
18 no way that a teacher, without additional  
19 resources that are needed -- that could be  
20 gleaned if we had respected the CFE decision --  
21 would be able to get those resources so that they  
22 could make sure that there were smaller class  
23 sizes, that we wouldn't have to deal with  
24 overcrowding in our schools and that we could  
25 address those needs for children that are moving

1 from building to building within the course of a  
2 year.

3           The issues of teacher evaluation,  
4 teacher tenure and teacher funding are all issues  
5 that frankly could be worked out better for all  
6 people if there weren't -- if there was not such  
7 a negative attitude towards trying to come to a  
8 compromise instead of pointing fingers of blame  
9 at people.

10           And it's at a point where we need to  
11 stop blaming the system, stop blaming, trying to  
12 find a victim, but really, as Senator Díaz said,  
13 try to help the children, try to make sure that  
14 our children get the resources that they need --  
15 understanding that we have failing schools,  
16 understanding that we have failing systems all  
17 over the state -- and that the resources are  
18 adequately put in the areas that are failing.

19           We need to make sure that there's  
20 more funding also for the people that were most  
21 hurt that we had a \$5 billion windfall from.  
22 That people are calling a windfall, but it's  
23 really money that was taken from people that  
24 should be given redress. This money was gleaned  
25 and stolen from people, \$5 billion from people

1     that were in foreclosure, people that were  
2     dealing with -- that were hoodwinked by the  
3     system, people that were criminalized and also,  
4     further, given no help when they were trying to  
5     get help.

6                     And it's only through this one  
7     opportunity that we've gotten from our Attorney  
8     General and the legal system to try to help these  
9     people, and there's barely any money to redress  
10    these issues or to give any opportunity to  
11    continue affordable housing in this budget or  
12    housing support in this budget as well.

13                    And opportunity for people to come  
14    back and do the things necessary to ensure that  
15    people can stay in their homes and that people  
16    can maintain an opportunity to allow young people  
17    to also be able to afford to live in their  
18    communities. In my community, most of the young  
19    people are looking to move out because they can't  
20    afford to buy a home in the community they grew  
21    up in.

22                    And also, while we are working --  
23    the Summer Youth Employment Program, which is a  
24    program which also has thousands of kids every  
25    year crying and calling up our offices looking



1 for work because they've applied for the Summer  
2 Youth Employment Program. We've actually  
3 increased no additional slots this year. That's  
4 a travesty when we have such a budget surplus,  
5 when we could do something to help our  
6 communities.

7                   And this is not even talking about  
8 the \$5 billion money from the settlement. We had  
9 a general budget surplus in the budget. We're  
10 not reaching back and lifting up people. We're  
11 not reaching back and making sure that all  
12 communities can benefit from the largesse in this  
13 state. We're not reaching back and making sure  
14 that our young people that are trying to get  
15 their first job can go out and benefit.

16                   I was the lucky recipient of a  
17 summer youth employment job back when I was a  
18 youth, and that changed my life. It changed my  
19 focus. It changed my opportunity to understand  
20 what work was, what responsibility was, how to  
21 show up on time and how to be responsible.

22                   If we don't give these kids this  
23 opportunity -- especially these kids that are  
24 focused on the Internet, focused on social  
25 media -- an opportunity to get a real job, an

1 opportunity to have responsibility in large  
2 numbers, we're going to lose more generations of  
3 kids to selfishness and to things that are just  
4 totally anti-educational.

5 We need to make sure that our youth  
6 employment programs are better invested. Our  
7 community reinvestment funds also, and  
8 after-school programs, have been woefully  
9 underfunded in this budget.

10 There are many other items, but I'm  
11 fighting a head cold and it seems to have gotten  
12 worse today. So I'm going to just say that, you  
13 know, I'm disappointed in this budget. I'm  
14 disappointed that our conference wasn't  
15 represented in the budget so that we could be  
16 able to make sure that all of our voices were  
17 heard in the room.

18 And I understand that there was past  
19 history, but I'm working on the present. I'm  
20 working on the future. I don't want to hear  
21 about what happened in the past. You know, every  
22 time I get into a group somebody wants to tell me  
23 history. I'm worried about the future and the  
24 future of this state where we have 8 million  
25 people that are not represented in a room. Where

1 we have a legislature that is trying to work on  
2 developing ideas and policies and we can't have  
3 everybody in the room having a real discussion,  
4 that's a failed legislature.

5 So I'm voting no on this. Thank you  
6 very much, Mr. President.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Rivera.

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

11 ACTING PRESIDENT GRIFFO: Senator  
12 Rivera on the bill.

13 SENATOR RIVERA: Fact. A few weeks  
14 ago there was an article in the New York Post  
15 that identified a series of failing schools.  
16 Fact. My picture was on this article. And of  
17 the schools that were identified as being failing  
18 in this list that was identified in this article,  
19 13 of them are in my district.

20 Fact. When you look at these  
21 schools -- actually, there's 12 of them, not 13,  
22 12. I've visited seven of them in the four years  
23 that I've been in the Senate, a couple of them  
24 just in the last year.

25 Fact. If we take all the money that

1 the Campaign for Fiscal Equity owes these  
2 schools, it adds up to about \$26 million.

3 Fact. When I spoke to the  
4 principals of these schools and I asked them  
5 whether they could use -- let's say at I.S. 219,  
6 New Venture School, whether they could have used,  
7 I don't know, \$968,758.87, well, let's just say  
8 that the exclamation that came out is not  
9 something that necessarily I can say on this  
10 floor.

11 But fact. This money, which is not  
12 in this budget, would help all these  
13 institutions, all these schools. Of them, six  
14 are Renewal Schools, one is a Community School.  
15 And there's real challenges that face the  
16 children in those schools.

17 When we're talking about the money  
18 that is owed to these schools, it's not that  
19 we're saying just like money can make everything  
20 better. But you cannot tell me that if P.S. 92  
21 had another million dollars -- actually,  
22 \$1,088,101.67, they probably could have done  
23 something with that. They probably could have  
24 tutoring, extracurricular activities,  
25 after-school programs, social service programs,

1 supplies. These resources are necessary. This  
2 is not in this budget.

3 Second, this budget also -- fact, I  
4 should say. Fact. This bill and the proposal,  
5 the education proposal that we have before us,  
6 doesn't just talk about testing, it doubles down  
7 on testing.

8 We've had many discussions on this  
9 floor and in the public conversation about  
10 education as far as high-stakes testing and how  
11 we should be really reconsidering whether it's  
12 the way that we want to actually measure success  
13 of students or teachers. And now we are doubling  
14 down.

15 Third, fact. What this bill does is  
16 it establishes a sort of reform -- and I use that  
17 term loosely -- which are ultimately punitive,  
18 extremely punitive to the folks that are on the  
19 front lines every single day to try to make the  
20 lives of these school kids better.

21 These are all facts. And the  
22 concern, the main concern that I have about that  
23 part of this budget -- and certainly Senator  
24 Latimer outlined them at length -- is that it  
25 might indeed perpetuate the status of these

1 schools. I do not call them failing, I call them  
2 challenged. And they're challenged just like the  
3 neighborhoods that they are in. These are the  
4 schools that I represent. These are the children  
5 that I represent. These are the parents that I  
6 represent.

7 Another fact. The overwhelming  
8 majority of the students in the entire State of  
9 New York go to public schools.

10 Fact. There's certain charter  
11 schools in my district that are successful.  
12 Others are not.

13 Fact. Maybe 5 percent of the total  
14 number of children in the entire school system in  
15 the state go to charter schools. And if we are  
16 to, in this body, say that we care about the  
17 children of the state, we should be thinking  
18 about how we reform the system, certainly not in  
19 this way, but in a way that impacts that  
20 95 percent.

21 Two more points, Mr. President, and  
22 I shall conclude.

23 Senator Peralta talked about it at  
24 length, and we've talked about it on this floor  
25 many, many times as far as what the DREAM Act is

1 and what it is not. It does not take away  
2 anything from anyone. The DREAM Act gives access  
3 to students that are individuals, children, that  
4 came here without wanting to. Their parents  
5 brought them here. And they have already been  
6 successful in the educational system of our  
7 state. And we're saying to them: Well, now you  
8 can't be anything else. Congratulations on being  
9 successful in high school, but you can't go to  
10 CUNY or SUNY.

11 It doesn't take away anything from  
12 anybody. It doesn't take away anything from any  
13 other student. It just provides access to them.

14 Fact. Lastly, the ethics proposal  
15 that we have in front of us is also,  
16 unfortunately, woefully, not addressing the real  
17 concerns that we need to address in this body.  
18 And many of my colleagues have talked about this  
19 in detail.

20 So I will just say that I join them  
21 in saying that for all of these reasons,  
22 certainly as it relates to no DREAM Act in this  
23 budget, a weak ethics reform, and an education  
24 proposal that in the three instances that I  
25 mentioned -- no CFE funding, doubles down on

1 high-stakes testing, and establishes reforms that  
2 are ultimately punitive as opposed to trying to  
3 really fix the system -- Mr. President, I think  
4 that this is a bad budget bill, and I'll be  
5 voting in the negative. And that is a fact.

6 Thank you, Mr. President.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Hamilton.

9 SENATOR HAMILTON: Mr. President,  
10 would the sponsor of the bill please yield to a  
11 question?

12 ACTING PRESIDENT GRIFFO: Senator  
13 Flanagan, do you yield?

14 SENATOR FLANAGAN: Yes.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Flanagan yields.

17 SENATOR HAMILTON: Senator  
18 Flanagan, how you doing today?

19 SENATOR FLANAGAN: Good.

20 SENATOR HAMILTON: Senator  
21 Flanagan, I'd like to know how would you rate, on  
22 a letter grade, the State Education Department?

23 SENATOR FLANAGAN: I'm sorry, could  
24 you repeat the question?

25 SENATOR HAMILTON: The State



1 Education Department, their overall performance  
2 of educating our kids, which letter grade would  
3 you give them?

4 SENATOR FLANAGAN: Oh, Senator  
5 Hamilton, I think that -- you know, I look at  
6 things over a continuum of time.

7 SENATOR HAMILTON: Right.

8 SENATOR FLANAGAN: I am unabashed  
9 in suggesting a couple of things. I don't always  
10 agree with the State Education Department. I  
11 have great admiration for the people who serve as  
12 Regents even when I may not agree with them. I  
13 have a special admiration for the chancellor,  
14 because these people dedicate hundreds and  
15 hundreds of hours of their time that frankly they  
16 don't need to.

17 Within the Education Department  
18 there are some highly incredibly talented  
19 individuals who do yeomanlike work for children  
20 all across the State of New York, children with  
21 disabilities, children in preschool programs. So  
22 I can look in isolation and pick out some  
23 extraordinarily talented people who -- I was on  
24 the phone today with SED for 45 minutes before we  
25 had this debate already talking about where

1 things may go.

2 So respectfully, I would say I  
3 believe that it's important for us as members and  
4 as a Legislature to have a good working  
5 relationship with the State Education Department,  
6 even when we aren't always in sync.

7 SENATOR HAMILTON: Yes,  
8 Mr. President, would the sponsor please yield to  
9 a question?

10 SENATOR FLANAGAN: Yes, I do.

11 ACTING PRESIDENT GRIFFO: The  
12 Senator yields.

13 SENATOR HAMILTON: Senator  
14 Flanagan, how would you rate the State Education  
15 Department by letter grade?

16 SENATOR FLANAGAN: Senator  
17 Hamilton, I think I've answered the question.  
18 See, one of the good things about this body is  
19 it's deliberative and we get to answer questions  
20 in the way we think appropriate. Which I've  
21 done.

22 SENATOR HAMILTON: Okay. So  
23 overall, since you won't give me a letter  
24 grade --

25 ACTING PRESIDENT GRIFFO: Senator

1 Hamilton, are you on the bill?

2 SENATOR HAMILTON: Would the  
3 sponsor of the bill please yield to a question.

4 ACTING PRESIDENT GRIFFO: Are you  
5 on the bill or do you want to ask a question?

6 SENATOR HAMILTON: I'm on the bill.  
7 I'm on the bill. I'm just trying to get to  
8 the --

9 ACTING PRESIDENT GRIFFO: No, do  
10 you want to speak on the bill or do you --

11 SENATOR HAMILTON: I want to speak  
12 on the bill. I want to ask a question to the  
13 bill, yes.

14 (Laughter.)

15 ACTING PRESIDENT GRIFFO: Senator  
16 Flanagan, do you yield to a question?

17 SENATOR FLANAGAN: I yield, yes.

18 ACTING PRESIDENT GRIFFO: All  
19 right. Go ahead, Senator Hamilton.

20 SENATOR HAMILTON: If he'd please  
21 yield to a question.

22 SENATOR FLANAGAN: Yes.

23 SENATOR HAMILTON: I see in the  
24 bill we put a lot of emphasis on the teachers and  
25 turning schools around. But I want to get to the

1 point -- there seems to be no emphasis on the  
2 State Education Department on turning the system  
3 around.

4 Right now we have black and Hispanic  
5 students only graduating at a 60 percent ratio.  
6 Only 15 percent of black and Hispanic students  
7 are ready for college. So we are putting  
8 emphasis on the teachers, but we're not putting  
9 emphasis on the person or the entity that's in  
10 charge of the State Education Department.

11 So my question is, how much time do  
12 we give the State Education Department to turn  
13 around the system?

14 SENATOR FLANAGAN: Well, I would  
15 respectfully suggest that if it were only the  
16 State Education Department alone, that that would  
17 be a completely different story.

18 But the State Education Department  
19 is funded by the State of New York as well as the  
20 federal government, so it's a shared  
21 responsibility that extends to the Governor, the  
22 Senate and the Assembly, and frankly, by  
23 extension, stakeholders throughout the State of  
24 New York. That includes superintendents,  
25 teachers, administrators, students as

1 ambassadors, PTAs, school boards.

2 So there's a lot of people involved  
3 in this process, and I would not -- I don't want  
4 to nor would I rest that sole responsibility on  
5 the State Education Department.

6 SENATOR HAMILTON: Would the  
7 sponsor please yield to a question?

8 SENATOR FLANAGAN: Yes.

9 ACTING PRESIDENT GRIFFO: The  
10 sponsor yields.

11 SENATOR HAMILTON: There has to be  
12 some accountability somewhere, and it starts from  
13 the top. And I know we have stakeholders that  
14 are part of the system. But if we're going to  
15 put emphasis on teachers that are not performing  
16 well, we have to put emphasis on the people who  
17 are at the top of delivering the curriculum, on  
18 delivering evaluating teachers.

19 So if we have a system that's  
20 failing us, how much time do we give a  
21 commissioner as far as turning the system around,  
22 when we know every year of a child's life is  
23 important?

24 So the question is how many years --  
25 if the children are failing, if only 15 percent

1 of black and Hispanic kids are ready for college,  
2 how much time should we give the commissioner to  
3 turn the system around at least to get them to  
4 50 percent? Or even less. To get them at, say,  
5 30 percent, how much time should we give the  
6 commissioner for that, Senator?

7 SENATOR FLANAGAN: Well, Senator  
8 Hamilton, the first thing I'd like to do is get a  
9 commissioner. We might be in a better spot if we  
10 had a commissioner --

11 SENATOR HAMILTON: Good point.  
12 Good point.

13 SENATOR FLANAGAN: -- which is the  
14 charge of the Regents and the State Education  
15 Department.

16 And I believe that you could look at  
17 any one of these issues or any day and make it a  
18 snapshot in time. There are a variety of factors  
19 that affect what the State Education Department  
20 does.

21 And I can tell you, while he's now  
22 down in Washington, I had many, many  
23 conversations with former Commissioner King about  
24 education, educational policy.

25 I've spoken with Senator Robach, my

1 colleague who represents Rochester, about the  
2 graduation rates of black and Hispanic males in  
3 the City of Rochester.

4 I live on Long Island; I'm troubled  
5 by that. And I think we all share that, not only  
6 that concern but that responsibility.

7 But, Senator Hamilton, since you've  
8 asked me a few questions, I would wonder --  
9 Mr. President, through you -- if you would yield.

10 SENATOR HAMILTON: Yes, I would,  
11 Senator.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Hamilton yields.

14 SENATOR FLANAGAN: Senator  
15 Hamilton, we had an occasion recently to visit  
16 with the New York State Assembly on a joint  
17 legislative session that involved the election of  
18 new Regents. Did you attend that session?

19 SENATOR HAMILTON: Yes.

20 SENATOR FLANAGAN: And --

21 SENATOR HAMILTON: I supported -- I  
22 supported Lester Young, from Brooklyn, who has  
23 been in the forefront of educating young black  
24 men in our community in Central Brooklyn.

25 And also for Mrs. Cashin, also, who

1 was around when I was on the school board who  
2 helped us keep the fifth best school in New York  
3 State, the Crown School for Law and Journalism.  
4 So yes, to answer your question.

5 SENATOR FLANAGAN: So would it be  
6 fair -- Mr. President, through you -- Senator  
7 Hamilton, did you support all the Regents  
8 appointments?

9 SENATOR HAMILTON: Did I support  
10 all the Regents appointments? I guess I did  
11 support all the Regents appointments. Yes, I  
12 did.

13 SENATOR FLANAGAN: Okay, so would  
14 you -- Mr. President, through you.

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

17 SENATOR FLANAGAN: Senator  
18 Hamilton, would you concur, then, that the  
19 Regents play a significant role and that they are  
20 essentially the body that sets up educational  
21 policy in the State of New York?

22 SENATOR HAMILTON: Can you please  
23 repeat the question, please? I didn't hear it.

24 SENATOR FLANAGAN: Would you agree  
25 that the Regents play a pivotal role in education



1 in New York, particularly in light of the fact  
2 that they set educational policy?

3 SENATOR HAMILTON: Yes, they do  
4 play a pivotal role. And of the people who were  
5 voted in this year, four were new. And they do  
6 it for free, yes, they do.

7 But you're switching the issue here  
8 of going from the State Education Department and  
9 the time it takes for them to turn around the  
10 system. If we're doing it for schools at two  
11 years and they go into receivership, how much  
12 time do we give to the State Education Department  
13 so they can go into some type of receivership so  
14 our children can get an education and be able to  
15 be productive citizens in our state?

16 SENATOR FLANAGAN: Mr. President,  
17 through you. Senator Hamilton, are you  
18 suggesting that the State Education Department be  
19 placed in receivership?

20 SENATOR HAMILTON: No, I do not,  
21 Senator Flanagan. What I'm saying is we have to  
22 put time limits on failing educators, failing  
23 State Education Departments {sic} who are not  
24 serving our children in this state. And if we're  
25 doing it for the schools, we should do it for the

1 State Education Department when we do get a  
2 commissioner.

3 But at some point in time we have to  
4 have a limitation on failure at the top of the  
5 educational system.

6 SENATOR FLANAGAN: Mr. President,  
7 through you. Senator Hamilton, you represent the  
8 City of New York, and I certainly understand that  
9 and respect that.

10 SENATOR HAMILTON: Yes.

11 SENATOR FLANAGAN: Do you believe  
12 that the mayor and the City Council play a  
13 significant role in educational policy in the  
14 City of New York?

15 SENATOR HAMILTON: Under -- yes,  
16 under the old policy, Mayor Bloomberg had the  
17 system for 12 years, and it's failing. That's  
18 why I believe we have to have a holistic way of  
19 educating our children, with parents,  
20 stakeholders in the community and the school  
21 system working together. Not just a top-down  
22 approach, but from a bottom-up approach, because  
23 the parents know what's best for their children.

24 A parent living in Brooklyn should  
25 not have to go to Manhattan to find out what's

1 going on with their child. So I'm not for  
2 mayoral control in New York City, I'm for having  
3 parents and all the stakeholders in our community  
4 effecting the change and making sure our children  
5 learn.

6 SENATOR FLANAGAN: So I just want  
7 to make sure I understand. Are you saying you're  
8 opposed to mayoral control?

9 SENATOR HAMILTON: I say I'm  
10 opposed to it the way that mayoral control is set  
11 up right now, yes, I am.

12 SENATOR FLANAGAN: So you would  
13 expect that we would have changes in the law?

14 SENATOR HAMILTON: Excuse me, is it  
15 my -- do I have a bill on the floor?

16 ACTING PRESIDENT GRIFFO: You  
17 asked -- Senator Hamilton, you have the floor.  
18 But you asked Senator Flanagan to yield --

19 SENATOR HAMILTON: Yes, I will, I  
20 will answer the question, yes. I'm sorry.

21 SENATOR FLANAGAN: So let me ask on  
22 a parallel. You believe that there are issues  
23 that the State Education Department has failed to  
24 address, and you are inquiring of me, to some  
25 extent, how long they should have to fix those

1 issues.

2 I'm going to ask you a parallel.  
3 You suggested that you are not enamored with  
4 mayoral control as it exists. How long do you  
5 believe the mayor should have to make the changes  
6 that you're talking about, since the mayor wants  
7 mayoral control and the graduation rates are not  
8 at the level that anyone believes they should be,  
9 including the mayor?

10 SENATOR HAMILTON: Well, to answer  
11 your question, Senator Flanagan, that's why I'm  
12 not for total mayoral control. I believe we  
13 should go back to the school boards, who have  
14 three-year terms. And with those three-year  
15 terms, if the school board is not being  
16 productive in educating our children, they will  
17 be voted out of office.

18 The same way I think we should have  
19 three-year terms or a three-year period of  
20 analyzation for the commissioner in the State  
21 Education Department to see if they can make a  
22 turnaround in the school system. And if they  
23 can't, then we need to get someone else.

24 SENATOR FLANAGAN: Okay. So,  
25 Mr. President, through you, if Senator Hamilton

1 would continue to yield.

2 ACTING PRESIDENT GRIFFO: Senator  
3 Hamilton, do you yield?

4 SENATOR HAMILTON: Yes, I will  
5 answer the question.

6 SENATOR FLANAGAN: The Board of  
7 Regents hires the commissioner. Senator  
8 Hamilton?

9 SENATOR HAMILTON: Yes.

10 SENATOR FLANAGAN: The Board of  
11 Regents hires the commissioner. Are you  
12 suggesting that there be a three-year contract  
13 period for the commissioner, whomever that person  
14 may be?

15 SENATOR HAMILTON: No, I -- I --  
16 Senator Flanagan, I believe the question was how  
17 much time should we give the mayor of New York  
18 City to be at the head of the school system.

19 And you asked me was I for mayoral  
20 control, and I said I'm for mayoral control but  
21 not in its present form. And I said that we  
22 should go back to having school boards, which are  
23 elected by the people and responsive to the  
24 people, with three-year terms.

25 SENATOR FLANAGAN: Okay,

1 Mr. President, through you. What I heard, part  
2 of your answer was that the commissioner should  
3 be under a three-year review. So I'm just trying  
4 to make sure -- see, I believe differently.

5 I believe that the Board of Regents  
6 should have the wherewithal to remove a  
7 commissioner who's not fulfilling their duties  
8 and responsibilities. So I don't believe in a  
9 contract. And the Board of Regents is the  
10 management team for the State Education  
11 Department.

12 But I appreciate Senator Hamilton's  
13 indulgence.

14 ACTING PRESIDENT GRIFFO: Senator  
15 Hamilton, do you want to continue on the bill?

16 SENATOR HAMILTON: Yes, I would  
17 like to continue on the bill. But due to time, I  
18 just want to thank Senator Flanagan for your time  
19 in answering the questions.

20 And I just want to end in just  
21 saying I'm not voting for this bill. I think the  
22 teachers are being scapegoated and it's going to  
23 drive good teachers away from school districts  
24 that are low-performing for being in fear of  
25 losing their jobs.

1                   And I just want to say -- I want to  
2     congratulate -- this is the last day of Women's  
3     History Month, and I want to congratulate the  
4     women of Seneca Falls who in 1848 had the first  
5     suffrage meeting here in New York State. And it  
6     took 70 years later for women to get the right to  
7     vote, in August of 1920. And now we're almost a  
8     hundred years from when the women had the right  
9     to vote in this great country, and our great  
10    leader, Andrea Stewart-Cousins, is still not the  
11    room. Hopefully, within a hundred years of women  
12    having the right to vote, we would have a woman  
13    in the room making decisions.

14                  And because Andrea Stewart-Cousins,  
15    who is representing 8 million people, was not  
16    part of the process, I cannot support this bill.  
17    And I just hope that we can have a woman making  
18    history in this great room, being part of the  
19    good old boy network.

20                  Thank you very much.

21                  ACTING PRESIDENT GRIFFO:     Senator  
22    Breslin.

23                  SENATOR BRESLIN:     Thank you,  
24    Mr. President. On the bill.

25                  ACTING PRESIDENT GRIFFO:     Senator

1     Breslin on the bill.

2                   SENATOR BRESLIN:    I will be very  
3     short, as the time is late and time is short.

4                   When I first got to the Senate, I  
5     had many teachers and principals from New York  
6     City telling me about the conditions of their  
7     schools.  I thought they were, at best,  
8     apocryphal -- until I went down and visited.  And  
9     what I found were schools that had coal-burning  
10    stoves, asbestos, doors locked, kids who ran from  
11    class to class because they didn't have a seat in  
12    the next class, books that were out of date, half  
13    the teachers not certified.  And I could go on  
14    and on.  And we were effectively denying hundreds  
15    of thousands of kids every year the right to an  
16    education.

17                  That was the genesis of the CFE  
18    decision.  And after the CFE decision by the  
19    Court of Appeals, there was an order of payments  
20    to bring those schools up to par.  That order has  
21    been violated year after year after year after  
22    year.

23                  And now it's moved north.  There's a  
24    small-city case that was just concluded in Albany  
25    that will cover a lot of the small cities outside



1 the CFE district. A decision not yet been  
2 rendered. I assume, based on the precedent of  
3 New York, it will be essentially the same and  
4 will have that same condition.

5 And what do we do? Day after day,  
6 by this legislation and by our conduct over the  
7 number of years since the CFE decision, is first  
8 blame the kids and then blame their teachers, and  
9 put harsh conditions upon them through testing  
10 and evaluations.

11 I believe it's time to stop,  
12 recognize the problem. I now have five cities in  
13 my district, cities with problems that I saw some  
14 15 years ago in New York City. The problems of  
15 we need smaller class sizes, we need to take care  
16 of mental health, we need to take of care of  
17 physical health. We have disruptive kids, we  
18 need those smaller class sizes with some  
19 additional assistance.

20 And without the dollars, it doesn't  
21 work. And we have to stop blaming the teachers  
22 and the students, come up with the dollars, use  
23 them effectively, and it makes the difference.

24 I've visited schools in the five  
25 cities I represent -- in Troy, Rensselaer,

1     Watervliet, Cohoes and Albany -- and they all  
2     have similar problems. And you see those kids  
3     that could be so effective, and we're denying  
4     them the opportunities to continue on, get a good  
5     education, and not be a burden on our society.  
6     And it's a problem that we can solve, and it  
7     costs too much not to solve it.

8                     Thank you, Mr. President. I'll be  
9     voting in the negative.

10                    ACTING PRESIDENT GRIFFO: Thank  
11     you, Senator Breslin.

12                    Senator Krueger.

13                    SENATOR KRUEGER: Good evening,  
14     Mr. President. I will not ask any questions,  
15     given the lateness the time frame for this budget  
16     bill.

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

19                    SENATOR KRUEGER: Thank you.

20                    So the Regents called for a  
21     \$2 billion increase in education aid. We're  
22     getting \$1.3 billion, substantially less.

23                    I've actually immensely enjoyed the  
24     debate here this evening around the Governor's  
25     proposed changes in how to evaluate teachers and

1     how to give them tenure and when to fire them.  
2     It's sort of amazing to me that the first  
3     discussion we're having like this is the night  
4     the budget must be passed. This is one of the  
5     last bills to come out and be introduced to us  
6     with a message of necessity.

7                 It's extraordinarily complicated  
8     issues. And we keep dumbing down our own  
9     assignment. We just keep defaulting to more  
10    teach to test, test more, punish for failure in  
11    tests, everybody -- teachers, parents, children.  
12    Don't ask the questions what is working in  
13    education, only criticize and attack.

14                I am incredibly proud of the fact  
15    that I come from New York City. District 2  
16    schools in Manhattan, parents are fighting to get  
17    their children into our schools. So for all the  
18    horror stories, let me just remind you New York  
19    City also has some of the best schools in the  
20    nation.

21                But there is of course a correlation  
22    between money available for schools, for  
23    students, the poverty reality of the students  
24    coming to school, the need for special services  
25    if English is their first language, if they have

1 special needs which disproportionately, if they  
2 live in poverty, they will have.

3           And it doesn't really seem like any  
4 of the proposed changes in this bill will address  
5 any of that. It certainly will scare teachers  
6 away from ever wanting to work in schools with  
7 poor students or special-needs children. They'll  
8 probably be delighted to work in my district,  
9 where in fact I have disproportionately middle-  
10 and high-middle-income children coming from  
11 families with very high attainment and  
12 educational levels already.

13           In fact, if you look at the private  
14 schools in my district, they're all running away  
15 from testing and saying we have to get back to  
16 focusing on one size does not fits all and  
17 children need art and music and creativity and to  
18 be able to learn at their own pace in unique  
19 ways. And then I watch our public schools being  
20 told: Never let that happen.

21           And if this bill, if it becomes law,  
22 which I guess it will, will increase not only  
23 that structure to test, to test, to test, to die,  
24 but it will also expand on the inequity between  
25 school systems with families and resources who

1 recognize that's just the opposite of what  
2 they're doing for their own children.

3           So I do think the discussion is  
4 seriously worthy of much longer and extended  
5 evaluation. I do not believe that this proposal  
6 tonight in this bill will result in anything good  
7 for education or our children. I've watched now  
8 in the I guess 13 years I've been in the Senate  
9 as New York City went into mayoral control and  
10 then we had a series of changes by our previous  
11 mayor. I watched constant change, everybody  
12 always had a new answer -- except it just kept  
13 meaning more testing and not necessarily any  
14 better outcomes.

15           So I think the rush to say now we  
16 have it down, we'll make all these changes, it  
17 will get better -- I do not believe it will.

18           I also, like many of my colleagues,  
19 am particularly disturbed at what's not here in  
20 this budget tonight. A minimum wage increase  
21 would have had the most significant impact of  
22 anything we could do in our budget this year,  
23 including significance for families with children  
24 living in poverty. Because if anyone thinks you  
25 can focus on school if your family is facing

1     eviction or you're not sure what you're going to  
2     get for dinner tonight, you don't understand  
3     poverty.

4                     And my colleagues have also waxed  
5     poetic about their frustration about the fact  
6     that the DREAM Act is yet again not in a budget  
7     this year. And it really has no negative impact  
8     on anyone else. It just means children will be  
9     able to grow up, go to college, get better jobs  
10    and be taxpayers.

11                    I don't know the history of everyone  
12    in this chamber. I'm the grandchild of  
13    immigrants. My grandfather came here at the age  
14    of 10, ended up going to public university for  
15    free. He had no papers, he was escaping the  
16    pogroms of Russia. He then signed up to be a  
17    soldier in World War I at the age of 16 -- no,  
18    I'm sorry, 17, because he did finish college  
19    first, by 17. He then completed his military  
20    duty in World War I and went off to be one of the  
21    first Jews to graduate Harvard Law School.

22                    He wasn't legal. He got an  
23    education. He did everybody proud. That's all  
24    anyone is asking for with the DREAM Act.

25                    And the ethics. You know, more

1 disclosure, more transparency really isn't going  
2 to be a game-changer for the problems up here.  
3 And ironically, the transparency doesn't even go  
4 into effect until 2017. Seriously not a  
5 game-changer.

6 But the campaign finance, the LLC  
7 loophole closing, the rules about limitations on  
8 income and how you get it, those all disappeared.

9 So I'll be voting no on this bill  
10 for any number of reasons -- no minimum wage, no  
11 DREAM Act, bad education policy, and not even a  
12 half a loaf on ethics.

13 So I wish we were dealing with a  
14 different bill. I wish we were having more  
15 substantive discussions about all these issues.  
16 But we just get that one vote on this bill. So  
17 I'll be voting no, Mr. President.

18 ACTING PRESIDENT GRIFFO: Senator  
19 Stewart-Cousins.

20 SENATOR STEWART-COUSINS: Thank  
21 you, Mr. President. On the bill.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Stewart-Cousins on the bill.

24 SENATOR STEWART-COUSINS: You know,  
25 I preface my remarks by saying that I am a

1 product of public school education. I have had  
2 the opportunity to teach in public schools. My  
3 children attended public schools. My  
4 grandchildren attend public schools.

5 One of the great motivators of  
6 running for the Senate was because of the impact  
7 that I know the state has on education and how  
8 much had to be done. And I really, really  
9 believed that we would be able to make that  
10 difference.

11 This budget and its approach is  
12 really, really -- frankly, I think all of my  
13 colleagues have spoken so eloquently about it.  
14 But I think of it in terms of my district, as we  
15 all think in terms of our own districts.

16 I have Yonkers and White Plains and  
17 New Rochelle and Greenburgh and Scarsdale. And  
18 there couldn't be more stark differences between  
19 some of these school districts. I have  
20 Scarsdale, which is an extremely high-performing  
21 school, probably one of the highest-performing  
22 schools in the nation. And Yonkers, according to  
23 what we have been told, has at least 7 so-called  
24 failing schools.

25 The thing that brought these



1 different pieces of my district together was the  
2 Common Core conversation. That Common Core  
3 conversation -- of not whether there should be a  
4 a Common Core, because I think most of us  
5 understand why standards matter and why we should  
6 know what achievements our children have. What  
7 brought all of these people together was the  
8 implementation of Common Core. What brought all  
9 of them together was the rush to get it done so  
10 that we could get to the Race to the Top money so  
11 that we could proceed to make sure that we proved  
12 that we could do it better than everybody.

13           And as the rollout occurred, and as  
14 we had the listening tours with the -- you  
15 remember the Regents and everyone else coming all  
16 together, parents in my district flocked to beg,  
17 beg for a reprieve for their children, for their  
18 children's teachers. Not because they didn't  
19 want Common Core, but they didn't want an  
20 expeditious implementation of an untested  
21 mechanism to be able to dictate the future of  
22 their children and the future of their children's  
23 teachers.

24           And at the end of the day, we all  
25 realized, listening to all of our parents, how we

1 needed to move this back. And we said our  
2 children will be exempt from the negative impacts  
3 of the testing. But we all agree that there's  
4 far too much testing going on. We want our kids  
5 to have fun while they learn. It shouldn't be  
6 the place you go to take a test.

7 Now, here I am looking at a budget  
8 that says that how our teachers will be rated  
9 will be created under the authority of the  
10 commissioner of the State Department of  
11 Education.

12 And I know Senator Flanagan  
13 mentioned, and we all know, we don't actually  
14 have a commissioner right now. We've got an  
15 acting commissioner. And this person has until  
16 June 30th of 2015 to now put together the  
17 evaluation system that's going to rate the  
18 teachers that are going to teach our kids.

19 And this person is going to be able  
20 to consult with experts and practitioners in the  
21 fields of education, economics, and psychometrics  
22 and take considerations of some of the parameters  
23 that were in a letter to the chancellor and the  
24 Board of Regents. And they're going to consult  
25 in writing with the Secretary of the United

1 States, Arne Duncan, as to what exactly happens.

2 I don't know about you, but I've  
3 been down this road. I understand what faulty  
4 and fast implementation does. And I don't blame  
5 our teachers, who are sitting in classrooms,  
6 sometimes overcrowded, sometimes underresourced,  
7 trying to teach children who are now going to  
8 have to depend on people putting this together in  
9 a couple of months without, I'm sorry, the  
10 department commissioner in place.

11 Now, that's the global. And then I  
12 have the City of Yonkers, one of those places  
13 that out of all of my district that has, yes,  
14 these failing schools, all in the same geographic  
15 area. All of those people have spoken about the  
16 impacts of poverty and all of the things --  
17 English language learners, all of these things.

18 The superintendent, the mayor comes  
19 begging for \$89 million; they'll take 50, of  
20 course. There's nothing like that in this  
21 budget. The Assembly, to their credit, was able  
22 to get some capital money for the city. But as  
23 of right now this district, with these failing  
24 schools, is looking at how to proceed with a  
25 school district that still doesn't have music,

1 still doesn't have art, still doesn't have JV,  
2 and does not know how any of these things will  
3 happen -- but they do know that their teachers  
4 will now have a new system of tests to figure out  
5 whether or not they're effective.

6 I need -- and so many of us with  
7 these failing so-called schools and these kids  
8 who are struggling, we need to find an answer for  
9 those children. We need to divert the resources  
10 to those children. We need to make sure that  
11 when we stand here and suggest we are passing a  
12 budget that is going to help our education system  
13 because there's more money and so on, that we are  
14 at least wrapping around those children who at  
15 this point are waiting desperately for us to do  
16 something.

17 I won't be voting for this budget.

18 ACTING PRESIDENT GRIFFO: Senator  
19 Klein.

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

22 I'm going to speak on the ethics  
23 portion of the bill.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Klein on the bill.

1                   SENATOR KLEIN:   First and foremost,  
2   I want to thank my colleagues, especially the  
3   colleagues on the Republican side of the aisle,  
4   who I know worked very, very hard, especially the  
5   practicing attorneys, in fashioning a bill that  
6   will truly reform our system when it comes to  
7   outside income.

8                   I know I had many conversations with  
9   a lot of the members, and I know specifically  
10   Senator Lanza I know worked very, very hard in  
11   trying to come up with something that would  
12   certainly meet the standards of ethics reform.

13                  I also want to thank my colleague  
14   Senator Hoylman, who introduced a piece of  
15   legislation which is reform model along the lines  
16   of Congress, which effectively bans outside  
17   income, especially the practice of law.

18                  I have been in public life now for  
19   20 years, and I also remember very distinctly  
20   when I passed the bar. I think many of us can  
21   always reflect on sort of memorable occasions in  
22   our lives, times we kind of never forget. And  
23   certainly one of the two proudest moments in my  
24   life was when I was admitted to the bar and when  
25   I was elected to public office for the first time

1 20 years ago. Those two memories I think shaped  
2 who I am today.

3 But I think a public official learns  
4 very quickly that serving the public is a  
5 full-time job. And over the years, my  
6 constituents always come first.

7 As I said before, I know a lot of my  
8 colleagues, just by their actions here and how  
9 they speak up on legislation that they care  
10 about, how they serve their constituents,  
11 especially my Republican colleagues. I can only  
12 imagine how they treat the practice of law and  
13 how they treat their clients. I understand that  
14 they find that responsibility a very important  
15 one. You owe a very special duty to a client.  
16 You owe them a very special duty to handle their  
17 cases to the best of your ability.

18 So I know the disclosure laws that  
19 are put forth today are probably some of most  
20 effective in the country when it comes to  
21 disclosure. But I think in recent weeks, and  
22 especially over the past year, outside income,  
23 unfortunately, has casted a taint on both houses  
24 of the State Legislature. I believe right now  
25 our future is really in jeopardy.

1                   And I've always been someone who's  
2                   prided myself on looking to negotiate, looking to  
3                   compromise. I firmly believe that compromise is  
4                   not a dirty word. It's a function of government,  
5                   it's a function of the real world. But you know  
6                   something? When it comes to outside income, when  
7                   it comes to the practice of law, when it comes to  
8                   representing my constituents, I think we have to  
9                   make one choice. And I think that choice is a  
10                  full ban on outside income.

11                 As I said before, I firmly believe  
12                 that the current climate in Albany leaves public  
13                 officials with a simple choice: Serve the public  
14                 who elected you on a full-time basis, or keep a  
15                 full-time career out of office.

16                 As I said, my career in the law has  
17                 meant an awful lot to me. I worked my way  
18                 through law school, worked for two members of  
19                 Congress, served as chief of staff to both. I  
20                 founded a small law practice in the Bronx with  
21                 two law school buddies. We did wills, we did  
22                 estates, it was a family sort of practice,  
23                 neighborhood practice.

24                 But I think at the same time, as  
25                 much as I cared about the practice of law, the

1 most that I cared about handling individual  
2 clients, I think right now this is sort of a  
3 crossroads. And I think the message we have to  
4 send right now to the public must be clear. We  
5 are lawmakers, and we are not above the law.

6 And while I think the disclosure  
7 requirements, having to actually go to OCA and  
8 have them sort of spot a conflict before it  
9 exists, probably would be something -- in a  
10 different time, that would solve our problem.  
11 But I don't think I am exaggerating when I think  
12 we're going to be back here a month from now, a  
13 year from now, dealing with the same type of  
14 problem over and over and over.

15 So I think the only way we can  
16 effectively handle that is to ban outside income  
17 and become a full-time legislature. I vote no on  
18 this legislation, Mr. President.

19 ACTING PRESIDENT GRIFFO: Seeing  
20 and hearing no other Senator that wishes to be  
21 heard, debate is closed, and the Secretary will  
22 ring the bell.

23 The Secretary will read the last  
24 section.

25 THE SECRETARY: Section 3. This



1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: I'm going  
6 to have Senator Kennedy explain his vote. And  
7 remind the members of Rule 10(3)(e), that we'll  
8 have a two-minute limit.

9 Senator Kennedy.

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

12 We started this year with all eyes  
13 on Albany and on an issue that's been delayed far  
14 too long, comprehensive ethics reform. And the  
15 bill we have before us today falls woefully short  
16 of what would restore the public's trust in  
17 government.

18 We're not holding our legislative  
19 body accountable for the reform promises made  
20 just a few months ago. Further action is still  
21 needed to place limits on outside income and  
22 close the LLC loophole if we want to truly move  
23 toward regaining public trust at the Capitol. We  
24 must advance serious reforms until we get it  
25 right.

1                   And on education, I don't think  
2                   there's a legislator among us who would not agree  
3                   our education system is in need of reform. But  
4                   this is simply not the way to go about it. We  
5                   cannot gamble with state aid district by district  
6                   based on a brand-new and untested evaluation  
7                   system that was cobbled together at the last  
8                   minute.

9                   Never before have we expected  
10                  schools to implement such a system in such a  
11                  short period of time. It's been difficult enough  
12                  as districts waited for their school aid runs,  
13                  but this places an even more dire, undue burden  
14                  upon them.

15                  And of course the students are the  
16                  ones caught in the middle of this. They're the  
17                  ones who are punished if the teachers and school  
18                  districts can't agree on evaluation systems.  
19                  They're the ones who will lose out on an  
20                  education. They're the ones who we will have  
21                  failed.

22                  Over the past month I've visited  
23                  several schools in Buffalo, Cheektowaga,  
24                  Lackawanna, throughout Western New York. If the  
25                  teachers and school districts can't agree on the

1 evaluation systems and the ones that are put in  
2 place, the kids are going to lose out on the  
3 programs that we're trying to implement here.

4 We are worried about the schools and  
5 the direction of education in New York State.  
6 Together, we can help these students. We've made  
7 incredible strides to help bring school funding  
8 back by undoing some of the damaging effects of  
9 the Gap Elimination Adjustment. But our schools  
10 still lack the full funding they deserve. And  
11 the proposal to allow a state takeover and --

12 ACTING PRESIDENT GRIFFO: Senator  
13 Kennedy --

14 SENATOR KENNEDY: -- eventual  
15 privatization of what's being deemed failing  
16 schools doesn't even appear to provide --

17 ACTING PRESIDENT GRIFFO: Senator  
18 Kennedy, how do you vote?

19 SENATOR KENNEDY: -- the funding  
20 that some of the schools in the City of Buffalo  
21 desperately need.

22 On behalf of students, teachers,  
23 educated taxpayers across Western New York and  
24 New York State, Mr. President, I vote no.

25 ACTING PRESIDENT GRIFFO: Senator

1 Kennedy to be recorded in the negative.

2 Senator DeFrancisco to explain his  
3 vote.

4 SENATOR DeFRANCISCO: It's nice to  
5 hear such passion --

6 ACTING PRESIDENT GRIFFO: Let's  
7 have some order, please.

8 SENATOR DeFRANCISCO: It's nice to  
9 hear such passion as this late hour. And I hope  
10 I don't get as passionate.

11 But I think the comments by Senator  
12 Hoylman during the debate were really out of  
13 line, basically saying that the problem in this  
14 chamber or in the Legislature are lawyers. Well,  
15 there are good lawyers, there are bad lawyers.  
16 There are lawyers who go to Harvard, and there  
17 are lawyers that are fortunate enough to go to  
18 Duke.

19 (Laughter.)

20 SENATOR DeFRANCISCO: And every  
21 single one of them --

22 ACTING PRESIDENT GRIFFO: Senator  
23 Hoylman, why do you rise? We're on explanation  
24 of votes. I'd ask members to sit down.

25 Senator DeFrancisco, you can explain

1 your vote. Please do not refer to any member by  
2 name. Please continue.

3 SENATOR DeFRANCISCO: Okay, I won't  
4 refer to him by name, then.

5 But the fact of the matter is we're  
6 glowing over a \$5.4 billion surplus because of  
7 good, solid, ethical lawyering.

8 And because you're a lawyer doesn't  
9 mean you're a corrupt lawyer. There are corrupt  
10 lawyers, there are corrupt businessmen, there are  
11 corrupt teachers, there are corrupt everything.  
12 There's good and there's bad. To suggest that  
13 the problem is lawyers is outrageous. There have  
14 been lawyers in legislative bodies for years,  
15 since the beginning of this government, who have  
16 made great contributions to this country.

17 So if an individual is ethical,  
18 follows the rules as they existed, we should not  
19 eliminate a class of people and end up with a  
20 class that's excluded. We hear a lot about  
21 discrimination in this body --

22 ACTING PRESIDENT GRIFFO: Senator  
23 DeFrancisco, how do you vote?

24 SENATOR DeFRANCISCO: I vote in a  
25 minute.

1 (Laughter.)

2 ACTING PRESIDENT GRIFFO: Senator  
3 DeFrancisco. Senator DeFrancisco.

4 SENATOR DeFRANCISCO: And I'm just  
5 finishing this sentence. And to discriminate by  
6 those who are so heavily against discrimination  
7 is outrageous.

8 This bill will work, and lawyers  
9 should not be excluded. They should be  
10 complimented when they do a good job. They  
11 should be prosecuted if they act criminally, just  
12 like anybody else in this body.

13 Thank you.

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

16 Senator Hoylman.

17 SENATOR HOYLMAN: Mr. President,  
18 I'll be voting no because if this Legislature  
19 does become full-time, I will remain in this  
20 Legislature as a lawyer, just not as a practicing  
21 attorney who has private clients, profiting on  
22 the side.

23 So I vote no. Thank you,  
24 Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1      Hoylman to be recorded in the negative.

2                      Announce the results.

3                      THE SECRETARY:    In relation to  
4      Calendar 316, those recorded in the negative are  
5      Senators Addabbo, Breslin, Comrie, Dilan,  
6      Espaillat, Gianaris, Hamilton, Hassell-Thompson,  
7      Hoylman, Kennedy, Klein, Krueger, Latimer,  
8      Montgomery, Panepinto, Parker, Peralta, Perkins,  
9      Rivera, Sampson, Sanders, Savino, Serrano,  
10     Squadron, Stavisky and Stewart-Cousins.

11                     Ayes, 36.    Nays, 26.

12                     ACTING PRESIDENT GRIFFO:    The bill  
13     is passed.

14                     Senator LaValle.

15                     SENATOR LaVALLE:    Mr. President,  
16     can we go to Supplemental Calendar 28A and return  
17     to Calendar Number 314.

18                     ACTING PRESIDENT GRIFFO:    Senator  
19     LaValle, we will return to Supplemental Calendar  
20     28A, Calendar Number 314, on which debate had  
21     been closed and the bill was temporarily laid  
22     aside awaiting a message.

23                     SENATOR LaVALLE:    Is there a  
24     message of necessity at the desk?

25                     ACTING PRESIDENT GRIFFO:    There is

1 a message of necessity now at the desk.

2 SENATOR LaVALLE: I move to accept  
3 the message.

4 ACTING PRESIDENT GRIFFO: All in  
5 favor of accepting the message signify by saying  
6 aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO: Opposed?

9 (No response.)

10 ACTING PRESIDENT GRIFFO: The  
11 message of necessity has been accepted and the  
12 bill is before the house. Debate has been  
13 closed.

14 The Secretary will read the last  
15 section.

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

18 ACTING PRESIDENT GRIFFO: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT GRIFFO: Senator  
22 Gianaris to explain his vote.

23 SENATOR GIANARIS: Just to remind  
24 my colleagues, Mr. President, this is the bill we  
25 debated earlier in the night. It was laid aside



1 temporarily and we're now taking it up for the  
2 vote. It's the state operations bill.

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

5 Announce the results.

6 THE SECRETARY: Ayes, 60. Nays, 2.  
7 Senators Parker and Perkins recorded in the  
8 negative.

9 ACTING PRESIDENT GRIFFO: The bill  
10 is passed.

11 Senator LaValle.

12 SENATOR LaVALLE: Can we go back to  
13 motions and resolutions.

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

16 SENATOR LaVALLE: On behalf of  
17 Senator DeFrancisco, Mr. President, on page  
18 number 1 I offer the following amendments to  
19 Calendar Number 319, Senate Print Number 4612A,  
20 and ask that said bill retain its place on the  
21 Third Reading Calendar.

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

25 SENATOR LaVALLE: Mr. President,

1 can we now call a meeting of the Finance  
2 Committee in Room 332.

3 ACTING PRESIDENT GRIFFO: There  
4 will be an immediate meeting of the Finance  
5 Committee in Room 332.

6 The Senate will stand at ease.

7 (Whereupon, the Senate stood at ease  
8 at 9:58 p.m.)

9 (Whereupon, the Senate reconvened at  
10 10:18 p.m.)

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

13 Senator LaValle.

14 SENATOR LaVALLE: Mr. President, is  
15 there a report of the Finance Committee at the  
16 desk?

17 ACTING PRESIDENT GRIFFO: There is  
18 a report of the Finance Committee before the  
19 desk.

20 SENATOR LaVALLE: I ask that it be  
21 read.

22 ACTING PRESIDENT GRIFFO: The  
23 Secretary will read.

24 THE SECRETARY: Senator  
25 DeFrancisco, from the Committee on Finance,

1 reports the following bill:

2 Senate Print 4610A, Senate Budget  
3 Bill, enacts various provisions of the law  
4 necessary to implement.

5 The bill is reported direct to third  
6 reading.

7 SENATOR LaVALLE: Mr. President, I  
8 move to accept the report.

9 ACTING PRESIDENT GRIFFO: All those  
10 in favor of accepting the Finance Committee  
11 report signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT GRIFFO: Opposed?

14 (No response.)

15 ACTING PRESIDENT GRIFFO: The  
16 Finance Committee report has been accepted and is  
17 before the house.

18 SENATOR LaVALLE: Mr. President.

19 ACTING PRESIDENT GRIFFO: Senator  
20 LaValle.

21 SENATOR LaVALLE: On our desks we  
22 have Supplemental Calendar 28C. I move that we  
23 go to Calendar Number 317.

24 ACTING PRESIDENT GRIFFO: The  
25 Secretary will read Calendar Number 317 from

1 Supplemental Senate Calendar 28C,  
2 noncontroversial.

3 THE SECRETARY: Calendar Number  
4 317, Senate Print 4610A, Senate Budget Bill, an  
5 act to amend Chapter 41 of the Laws of 1985.

6 ACTING PRESIDENT GRIFFO: Senator  
7 LaValle.

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

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

12 SENATOR LaVALLE: I move we accept  
13 the message.

14 ACTING PRESIDENT GRIFFO: All in  
15 favor of accepting the Governor's message of  
16 necessity indicate by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO: Opposed?

19 (No response.)

20 ACTING PRESIDENT GRIFFO: The  
21 message of necessity has been accepted, and the  
22 bill is before the house.

23 SENATOR GIANARIS: Lay it aside.

24 ACTING PRESIDENT GRIFFO: Lay the  
25 bill aside.

1           SENATOR LaVALLE:    Can we now have  
2   the controversial reading of Calendar Number 317.

3           ACTING PRESIDENT GRIFFO:    The  
4   Secretary will ring the bell, and the Secretary  
5   will read.

6           THE SECRETARY:    Calendar Number  
7   317, Senate Budget Bill, Senate Print 4610A, an  
8   act to amend Chapter 41 of the Laws of 1985.

9           ACTING PRESIDENT GRIFFO:    Senator  
10   Gianaris.

11          SENATOR GIANARIS:   Mr. President, I  
12   believe there's an amendment at the desk. I ask  
13   that the reading of the amendment be waived and  
14   that we call on Harvard lawyer Senator Hoylman to  
15   speak on the amendment.

16                               (Laughter.)

17          ACTING PRESIDENT GRIFFO:    One  
18   second, please.

19          SENATOR GIANARIS:    Apparently it's  
20   arriving. There's an amendment on its way to the  
21   desk, Mr. President. And since the reading will  
22   be waived anyway --

23          ACTING PRESIDENT GRIFFO:    Senator  
24   DeFrancisco, why do you rise?

25          SENATOR DeFRANCISCO:   By the way, I

1 want to object to Senator Gianaris mentioning a  
2 member's name on the floor.

3 (Laughter.)

4 ACTING PRESIDENT GRIFFO: Duly  
5 noted.

6 Senator Gianaris, there is an  
7 amendment now before the desk. And as I review  
8 the amendment, I believe it is not germane to the  
9 bill at hand and therefore out of order.

10 SENATOR GIANARIS: I would like to  
11 appeal the ruling of the chair, and I would like  
12 to gratuitously mention Senator DeFrancisco's  
13 name, but then ask that Senator Hoylman be called  
14 on, on the appeal.

15 (Laughter.)

16 ACTING PRESIDENT GRIFFO: Senator  
17 Hoylman, you are recognized on the appeal of the  
18 ruling of the chair.

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

21 I contend my amendment to this  
22 legislation is germane because it does maintain  
23 the same purpose and addresses the same areas of  
24 law as the underlying bill, no matter where I  
25 went to law school.

1                   Mr. President, the budget sweeps  
2     \$41 million from New York's Regional Greenhouse  
3     Gas Initiative proceeds, directing \$15 million to  
4     prop up as window dressing to an increase in the  
5     Environmental Protection Fund while dumping  
6     \$26 million into the General Fund for unspecified  
7     purposes which could be used for anything --  
8     supporting tax credits for billionaires buying  
9     airplanes, to take one example.

10                  My amendment, Mr. President, would  
11     create a lockbox, a lockbox for the RGGI funds,  
12     prohibiting the Legislature from inappropriately  
13     diverting those funds for anything other than the  
14     purposes for which they are intended under the  
15     RGGI compact.

16                  And for those of you who are less  
17     familiar with RGGI, the Regional Greenhouse Gas  
18     Initiative, it actually found its origin in this  
19     chamber. It was first proposed by Governor  
20     Pataki as a way to harness the free market of the  
21     Northeastern states -- Connecticut, Delaware,  
22     Maine, Maryland, Massachusetts, New Hampshire,  
23     New York, Rhode Island, and Vermont. With the  
24     goal to cap and reduce carbon dioxide emissions  
25     from the power sector, the biggest users of

1 carbon-based energy sources like coal and natural  
2 gas, this fund was created which allows the  
3 investment in alternative forms of energy, to  
4 create jobs and reduce greenhouse gases.

5 At the same time, Mr. President, my  
6 amendment also increases by \$15 million the  
7 amount of the real estate transfer tax that is  
8 deposited in the Environmental Protection Fund.

9 So the EPF, the Environmental  
10 Protection Fund, is traditionally funded by the  
11 real estate transfer tax. And that makes sense,  
12 Mr. President, because those who create growth in  
13 the State of New York -- a lot of those are real  
14 estate developers, and we commend them for  
15 that -- the idea is that they will offset by  
16 paying into the Environmental Protection Fund.

17 But the problem, Mr. President, is  
18 that by robbing RGGI to pay for the EPF, we're  
19 trying to equate apples and oranges, because RGGI  
20 does something very different than the EPF. The  
21 EPF is sometimes concerned with water resources  
22 or land preservation. RGGI, though,  
23 Mr. President, is big-picture addressing of  
24 climate change. And that is so important.

25 Last year New York's share of RGGI



1 proceeds was about \$691 million, and that's been  
2 used for everybody from energy efficiency to  
3 renewable energy to direct bill assistance to  
4 consumers to carbon abatement programs.

5 And what's so crucial about it is  
6 that we've been doing things like reducing  
7 fossil-based electric generation, generating over  
8 800,000 megawatt hours from renewal sources.  
9 We've saved about \$917 million for New Yorkers in  
10 residential energy bills. It's truly been a  
11 success.

12 The problem, Mr. President, is that  
13 by robbing RGGI to pay for the EPF, we undermine  
14 New York's best and sharpest tool to address  
15 climate change. And this amendment,  
16 Mr. President, would give us the confidence that  
17 we won't be moving money from RGGI into the  
18 EPF -- which doesn't address big-picture climate  
19 change issues -- nor would we be moving money  
20 into the General Fund which could be used for  
21 anything, but the money in RGGI would be  
22 safeguarded to address the issue of global  
23 warming.

24 The budget, as we've heard it  
25 tonight, it's a moral document. And it really is

1 immoral if we don't do everything in our power to  
2 make sure that we combat global warming.

3 So I urge you, Mr. President and my  
4 colleagues, to support this amendment, put RGGI  
5 in a lockbox and protect it, and protect the  
6 environment.

7 Thank you.

8 ACTING PRESIDENT GRIFFO: Thank  
9 you, Senator Hoylman.

10 The vote before the house is on the  
11 procedures of the house. All those in favor of  
12 overruling the ruling of the chair please say  
13 aye.

14 (Response of "Aye.")

15 SENATOR GIANARIS: Show of hands,  
16 Mr. President.

17 ACTING PRESIDENT GRIFFO: A show of  
18 hands has been requested and so ordered.

19 Announce the results.

20 THE SECRETARY: Ayes, 24.

21 ACTING PRESIDENT GRIFFO: The  
22 ruling of the chair stands.

23 The bill in chief is before the  
24 house. Read the last section.

25 THE SECRETARY: Section 3 --

1                   SENATOR GIANARIS:    Mr. President, I  
2 believe Senator Rivera --

3                   ACTING PRESIDENT GRIFFO:    Senator  
4 Rivera.

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

7                   I have a couple of questions about  
8 Part J, which is related to the \$700 million for  
9 Brooklyn hospitals, if the sponsor would yield  
10 for a few questions.

11                   SENATOR DeFRANCISCO:    Yes, I would.

12                   ACTING PRESIDENT GRIFFO:    Senator  
13 DeFrancisco yields.

14                   SENATOR DeFRANCISCO:    Well,  
15 actually, Senator Hannon probably would be best  
16 to answer your questions.

17                   ACTING PRESIDENT GRIFFO:    Senator  
18 Hannon has already spoken, so he's also  
19 recognized.

20                   And, Senator Hannon, do you yield?

21                   SENATOR HANNON:    Yes.

22                   ACTING PRESIDENT GRIFFO:    Senator  
23 Hannon yields.

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

1                   Again, I'm referring to Part J in  
2                   the budget bill that we have before us, which  
3                   relates to a healthcare facility transformation  
4                   program in Kings County in particular.

5                   Through you, Mr. President. As  
6                   you're aware, Senator Hannon, the healthcare  
7                   delivery system in Brooklyn is certainly in a  
8                   very precarious position, and this \$700 million  
9                   which is identified in this budget to help that  
10                  situation along, the way that that's going to  
11                  happen is sketched out here. And I want to have  
12                  a brief conversation -- through you,  
13                  Mr. President -- about how exactly it's done so  
14                  that for the record we know how that process is  
15                  going to play itself out.

16                 So through you, Mr. President, if  
17                 Senator Hannon could describe basically what this  
18                 that provision does regarding that \$700 million.

19                 SENATOR HANNON: Thank you.

20                 I'm really going to take a little  
21                 bit of a long-winded answer, because this is  
22                 dealing with capital appropriations for  
23                 hospitals, and all of Part J is throughout the  
24                 state.

25                 The first part deals with Brooklyn.

1 The second part deals with Oneida, the County of  
2 Oneida. The third part deals with the Essential  
3 Healthcare Provider Support Program, which is  
4 again funded in this. Then there's a critical  
5 access program under Section 4 of Part J. And  
6 finally, there is a new Section 6 which deals  
7 with, to mix up some terms that have been used  
8 before, VAP and IAAF.

9 And the reason I mention all of  
10 those is to lay the groundwork for the fact that  
11 this is a statewide program, the very last one,  
12 what I just called VAP-IAAF -- and I'm not going  
13 to go into the explanations of the acronyms --  
14 that deals with 28 hospitals that inexplicably  
15 the administration left with no cash as of  
16 tomorrow morning. And so our enactment of this  
17 is necessary to make sure that they continue to  
18 have their doors open.

19 When you get going back to the  
20 direct part of your question, there is a lot of  
21 parallels between Brooklyn and Oneida. And  
22 parallels in regard to how the awards will be  
23 determined, how the capital project will have  
24 long-term sustainability, the extent to which the  
25 proposed project fits into the federal waiver

1 program, the relationship between the capital  
2 project and primary care outpatient services.  
3 Those are all parallel in both Oneida and  
4 Brooklyn.

5 For Brooklyn itself, there is a  
6 provision contained in Section 3 of Part --  
7 Section 1 of Part J which talks about for  
8 Brooklyn, (a) there's no competitive bid needed.  
9 And second, it has to be an area of high levels  
10 of healthcare disparities, a large number of  
11 Medicaid enrollees, any number of certain  
12 healthcare conditions present in the population,  
13 low levels of income, high rates of unemployment,  
14 et cetera.

15 There are no specific hospitals  
16 mentioned. Hospitals are used in the plural,  
17 located in Kings County. There is some  
18 anticipation that this would include Brookdale,  
19 Kingsbrook, Interfaith, University Hospital at  
20 Brooklyn. That's not specified. Instead, there  
21 are criteria. Nothing I say is going to change  
22 the nature of that criteria. It's what's in the  
23 printed portion.

24 I would think that would be  
25 responsive to your question.

1                   SENATOR RIVERA:    It would.  
2   Mr. President, if the sponsor will continue to  
3   yield.

4                   SENATOR HANNON:    Yes.

5                   ACTING PRESIDENT GRIFFO:    The  
6   sponsor yields.

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

9                   Secondly -- and yes, you are -- you  
10   are referring to the part of the bill, and you  
11   mentioned some of it as far as the criteria  
12   that's necessary to apply, for any of these  
13   institutions to apply.

14                   If you could briefly tell us a  
15   little bit about the criteria to award. And  
16   particularly I wanted to ask -- through you,  
17   Mr. President -- since there is a part of it that  
18   speaks about "including but not limited to,"  
19   related to the criteria as far as the awards are  
20   concerned, I just wanted to discuss that briefly.

21                   SENATOR HANNON:    When you say  
22   "including but not limited to," you're referring  
23   to what section of the bill?

24                   SENATOR RIVERA:    Section 4, which  
25   is line 44.

1           SENATOR HANNON:   Well, first of  
2   all, as I said, this is all discretionary grants.  
3   There's no request for proposals, there's no bid.

4           The criteria, long-term  
5   sustainability of the applicant or, or,  
6   preservation of essential health services. The  
7   extent to which the proposed project meshes with  
8   the federal waiver. The relationship between the  
9   proposed project and identified community need.  
10   The way the project furthers primary care and  
11   other outpatient services. The extent to which  
12   the proposed capital project benefits Medicaid  
13   enrollees and uninsured enrollees. And the  
14   extent to which the applicant has consulted the  
15   community.

16           SENATOR RIVERA:   Through you,  
17   Mr. President, I have one more question, if  
18   sponsor will continue to yield.

19           ACTING PRESIDENT GRIFFO:   The  
20   sponsor yields.

21           SENATOR HANNON:   Yes.

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

24           I wanted you to briefly speak about  
25   Section 5, which has to do with the oversight as



1 far as this legislative body is concerned, and  
2 the reports that would be necessary from the  
3 department as it relates to the awarding of these  
4 funds.

5 SENATOR HANNON: There's a  
6 provision for quarterly reporting to the chairs  
7 of Senate Finance and Health, to Assembly Ways  
8 and Means and Health, and they must be submitted  
9 no later than 60 days after the close of the  
10 quarter.

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

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

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

17 I thank Senator Hannon for indulging  
18 me in a couple of these questions. This is just  
19 to make sure that we get this on the record.

20 We've had the discussion many times  
21 on this floor about the precarious situation that  
22 the healthcare delivery system in Brooklyn finds  
23 itself in. And we have in this budget, much like  
24 I debated with Senator Hannon yesterday, although  
25 I certainly would have liked for us to be part of

1 the conversation -- we'll get back to that point  
2 in a second -- I do believe that this part of  
3 this budget does deal adequately with the idea of  
4 addressing these concerns that we have in  
5 Brooklyn.

6           There is another whole section that  
7 deals with Oneida County. I will not touch upon  
8 it only because it basically does the same thing  
9 that we're talking about in Brooklyn, except it  
10 does so with \$300 million and it substitutes  
11 Oneida County for where Kings County is in this  
12 section.

13           But the important part that I wanted  
14 to make sure that I underlined here, certainly to  
15 give credit where credit is due, I certainly  
16 thank Senator Hannon for making sure that this  
17 was in here; certainly Assemblymember Dick  
18 Gottfried, on the other side of the other  
19 chamber, as far as the inclusion of this; and  
20 many other folks that are involved in this.

21           The only thing that I would ask you  
22 to do, and I would say it for the record, is that  
23 I would implore that as this process goes  
24 forward, even though as it says here in Section 5  
25 the only people that are supposed to get reports

1 on a quarterly basis are the chairs of Senate  
2 Finance, Assembly Ways and Means, Senate Health  
3 and Assembly Health Committees, most of the  
4 individuals that are -- that represent, if not  
5 all of the individuals that represent the  
6 constituents or the patients that would be  
7 impacted, hopefully positively by this infusion  
8 of money, are on this side of the aisle.

9 We've heard from Senator Parker,  
10 certainly from Senator Montgomery and Senator  
11 Hamilton, among others, about the real serious  
12 concerns that they have with their constituency  
13 and how they're impacted by the current failures  
14 of the healthcare delivery system in Brooklyn.

15 I do believe, Mr. President, that  
16 this is an adequate way to start dealing with  
17 this problem. Certainly it's not the end or the  
18 final solution, but it is certainly -- I'm sorry,  
19 I do not want to use that term. It is not the  
20 ultimate solution, but it is one that I believe  
21 does move the ball forward.

22 But I would again implore, for the  
23 record, that there be an inclusion of the  
24 individuals on this side of the aisle that  
25 represent these constituencies in Brooklyn to

1 make sure that whatever ultimately happens  
2 regarding the \$700 million, it impacts their  
3 constituency in the most positive way that is  
4 possible.

5 Thank you, Mr. President. I'll be  
6 voting in the affirmative.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Krueger.

9 SENATOR KRUEGER: Thank you,  
10 Mr. President. If the sponsor would please  
11 yield.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Hannon, would you yield?

14 SENATOR KRUEGER: Oh, I think it's  
15 perhaps Senator DeFrancisco, since it's not  
16 health.

17 SENATOR DeFRANCISCO: Yes.

18 SENATOR KRUEGER: But if Senator  
19 Hannon wants to be the sponsor --

20 ACTING PRESIDENT GRIFFO: Senator  
21 DeFrancisco?

22 SENATOR DeFRANCISCO: Yes.

23 SENATOR KRUEGER: Thank you.

24 On Part B, the START-UP NY airport  
25 facility section, can you explain how a law that

1 was supposed to apply to college campuses and  
2 then was expanded to land purchased by colleges,  
3 even if it wasn't adjacent to the college  
4 campuses, is now expanding to airport facilities  
5 and for what purpose?

6 SENATOR DeFRANCISCO: How it's  
7 happened is by this bill. It expanded the  
8 properties where START-UP NY would be eligible.  
9 And the two leaders and the Governor believe that  
10 these airports would be a good location to have  
11 start-up businesses, and that's why it's being  
12 amended.

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: So like other  
20 geographic areas within the START-UP NY program,  
21 businesses that locate here won't pay property  
22 taxes, employees won't pay personal income taxes,  
23 the exact same deal for tax-free businesses?

24 SENATOR DeFRANCISCO: That is  
25 correct.

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

4                   SENATOR DeFRANCISCO:    Yes.

5                   ACTING PRESIDENT GRIFFO:    The  
6   sponsor yields.

7                   SENATOR KRUEGER:    Are there  
8   businesses who have already been identified to  
9   receive this largesse from the state?

10                  SENATOR DeFRANCISCO:    I don't know  
11   that answer.  I don't believe so, but -- I've  
12   been told that there's none presently there.  But  
13   those areas want to have the opportunity to try  
14   to attract businesses and get this largesse from  
15   the state.

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

19                  SENATOR DeFRANCISCO:    Yes.

20                  ACTING PRESIDENT GRIFFO:    The  
21   sponsor yields.

22                  SENATOR KRUEGER:    So we used to  
23   have an Empire Zone model that sort of kept  
24   expanding and expanding to eat up significant  
25   parts of New York.  Is this the continuation of

1 an expansion of START-UP NY to turn into the  
2 Empire Zone program?

3 SENATOR DeFRANCISCO: The rules and  
4 regulations are different for START-UP NY than  
5 they were from the Empire Zone program, but I can  
6 see where you could see an analogy. But that's  
7 what was agreed upon by the Governor and the two  
8 leaders.

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

12 SENATOR DeFRANCISCO: Yes.

13 ACTING PRESIDENT GRIFFO: The  
14 sponsor yields.

15 SENATOR KRUEGER: Part D creates  
16 the New York City Corporate Tax Reform Package of  
17 2015. Is this supported by the City of New York,  
18 this version?

19 SENATOR DeFRANCISCO: Yes. In  
20 fact, it was drafted, the sheet that you have  
21 that kind of gives a summary, it was actually  
22 drafted in conjunction with the New York City  
23 Finance Office. And this is just changes in the  
24 way that corporate tax is structured, and it  
25 apparently is revenue-neutral.

1                   SENATOR KRUEGER:    Thank you.

2                   Through you, Mr. President, if the  
3 sponsor would continue to yield.

4                   SENATOR DeFRANCISCO:    Yes.

5                   ACTING PRESIDENT GRIFFO:    The  
6 sponsor yields.

7                   SENATOR KRUEGER:    Thank you.

8                   Section G, New York State Water  
9 Infrastructure Improvement Act of 2015, we had  
10 actually discussed this in a previous bill, that  
11 it's \$5 million per municipality, 60 percent  
12 match, \$200 million, \$50 million available, and  
13 then \$75 million in the two outyears.

14                   But can the sponsor tell me what the  
15 estimated actual demand for water infrastructure  
16 improvement is throughout the State of New York?

17                   SENATOR DeFRANCISCO:    Well, I'm  
18 sure it's substantial.

19                   The mayor and the City of Syracuse  
20 have been talking about this all during the  
21 budget process and before that. We basically  
22 have, in Syracuse, a water main break about every  
23 three days. And it's an aging infrastructure.

24                   The infrastructure's been neglected  
25 in many, many areas for a long, long time. And



1 so there's going to be a substantial demand with  
2 respect to this figure.

3 I would think, quite frankly, you  
4 know, that more money hopefully will be put into  
5 this pot as soon as possible. But at least it's  
6 a start.

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

10 SENATOR DeFRANCISCO: Yes.

11 ACTING PRESIDENT GRIFFO: The  
12 sponsor yields.

13 SENATOR KRUEGER: The sponsor might  
14 recall there was an attempt by the state to draw  
15 down money from a federal loan program for water  
16 infrastructure improvement that we were  
17 attempting to use for the New NY Bridge. I think  
18 originally it was over \$500 million, then cut in  
19 half, and now we still have the EPA determining  
20 whether they will give us anything.

21 Might the sponsor agree with me that  
22 we'd be better off using water infrastructure  
23 improvement money to improve our water  
24 infrastructure?

25 SENATOR DeFRANCISCO: Not

1 necessarily.

2 I was on the board that approved  
3 half of the use of that fund for the Tappan Zee  
4 Bridge. I thought we could -- that clearly half  
5 of the fund was -- half of the requested amount  
6 of money was justified in view of the  
7 environmental issues that had to be resolved as  
8 part of the Tappan Zee project. So I think that  
9 was perfectly legitimate, to cut the request down  
10 in half.

11 And I think as far as whether this  
12 could have done it, this fund could have done it,  
13 it wasn't there at the time. But -- so I think  
14 it was correct to do what was done.

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

18 SENATOR DeFRANCISCO: Yes.

19 ACTING PRESIDENT GRIFFO: The  
20 sponsor yields.

21 SENATOR KRUEGER: There's a number  
22 of sweeps in this bill in Part I, specifically  
23 the RGGI sweep, which takes \$41 million from RGGI  
24 and moves the proceeds into a General Fund. RGGI  
25 is not technically a budget item, and it's not

1 technically an authority that we traditionally  
2 sweep from. It was set up actually as a  
3 cap-and-spend program, not through statute.

4 Does the sponsor potentially share  
5 my concern that it's not actually legal for us to  
6 sweep money into our budget from a nonbudgetary  
7 and non-public authority funding stream?

8 SENATOR DeFRANCISCO: No, I don't  
9 share your concerns.

10 SENATOR KRUEGER: On the bill,  
11 Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Krueger on the bill.

14 SENATOR KRUEGER: You know, it's  
15 late. I respect my colleague, but I do not agree  
16 with his analysis of my questions on this bill.

17 I never supported the START-UP NY  
18 program and voted against it. And I raised the  
19 point, I believe at the time, that I was worried  
20 we would start to expand it until it became the  
21 21st century new model of Empire Zones, where we  
22 ate up our tax revenue by giving people  
23 exemptions for everything under the sun, under  
24 any geographic circumstance that somebody said it  
25 sounded like a good idea to let them be tax-free

1 or them be tax-free.

2           You know, I'm particularly  
3 frustrated to learn that somehow the small  
4 business tax reduction that was in the original  
5 proposed budget bill is not in the final budget  
6 bill this year. I think that I can make a much  
7 stronger case for a reduction in taxes for small  
8 start-up businesses who disproportionately create  
9 new jobs in New York State. But alas, that tax  
10 reduction disappeared.

11           But we continue to expand on these  
12 what I call more special-interest and luxury-item  
13 tax exemptions. I would far prefer to see us be  
14 able to reduce everyone's taxes across the board  
15 rather than these continuing carve-outs for  
16 airports or, I guess last night, airplanes and  
17 yachts. It's another one of these specialized  
18 carve-outs.

19           I'm also concerned that we are  
20 putting so little into the infrastructure needs  
21 of our communities. As I said on the earlier  
22 bill, there's I think up to a \$36 billion demand  
23 for water infrastructure improvements in this  
24 state. We come up with \$50 million this year,  
25 out of \$5 million a pop for a municipality.

1           I suspect we will hear loudly from  
2   our local governments by tomorrow that that's not  
3   really going to do it, we're not going to save  
4   our upstate cities and towns and our aging  
5   infrastructure, including down in my city, in  
6   Manhattan, some of the oldest infrastructure in  
7   the State of New York.

8           And yet I know we have more money  
9   out there, but we don't ever use it for these  
10   kinds of purposes. And I don't know the legal  
11   argument. I think we will see about whether we  
12   actually have the authority to take RGGI money  
13   and put it on budget into a general fund. I hope  
14   somebody does challenge us on that, because I  
15   think it's a very bad precedent and a very bad  
16   decision. And it potentially opens the door for  
17   a large number of challenges if we start to take  
18   money that is not technically ours to take to  
19   balance our budget through sweeps.

20           And having said all that, there's  
21   things in here that I'm glad to see. And I'm  
22   torn about whether, at this late date, to vote no  
23   or yes. I sort of want to split my vote, I vote  
24   yes on half the bill and I vote no on the other  
25   half. But I'm not allowed to.

1                   What do I do, yes or no? What  
2                   should I do folks, yes or no?

3                   (Laughter.)

4                   ACTING PRESIDENT GRIFFO:    Senator  
5                   Krueger, can you please conclude.

6                   SENATOR KRUEGER:    You know, I'm  
7                   going to vote no. Even though there's good  
8                   things in this bill, there's too many dangerous  
9                   precedents for me to be comfortable with it.

10                  So I'm voting no, Mr. President.  
11                  Thank you all for your help.

12                  ACTING PRESIDENT GRIFFO:    Senator  
13                  Comrie.

14                  SENATOR COMRIE:    Mr. President, I  
15                  wanted to ask a question of the sponsor regarding  
16                  hospital funding, if I may.

17                  ACTING PRESIDENT GRIFFO:    Senator  
18                  Hannon, will you yield?

19                  SENATOR HANNON:    Yes.

20                  SENATOR COMRIE:    Thank you,  
21                  Senator.

22                  I wanted to know some more specifics  
23                  about how hospitals can apply for the funding  
24                  that have projects that are already in the  
25                  pipeline, that are ready to go, shovel-ready

1 projects, as I would say.

2 And I would just want to preface  
3 that, if I may. Queens County has been  
4 historically underbedded since the Berger Report  
5 in 2006. Since 2006, we've lost three major  
6 hospitals in the borough and we're even more  
7 severely underbedded than before. We have four  
8 hospitals that have shovel-ready projects, and  
9 I'd like to know how they can be considered as  
10 priorities in this available dollars.

11 SENATOR HANNON: Two points to the  
12 answer.

13 The first part is how do you do it,  
14 you write a letter to the commissioner of the  
15 Health Department and talk about what projects  
16 you have. They'll start to consider that, put  
17 you in a queue.

18 The second part to the answer --

19 ACTING PRESIDENT GRIFFO: Excuse  
20 me, Senator Hannon.

21 Can we have some order, please.

22 Senator Hannon, please continue.

23 SENATOR HANNON: The second part to  
24 the answer is to be aware that this state has now  
25 applied for and received \$8 billion from the

1 federal government for a waiver for something  
2 that's very awkwardly called the DSRIP program,  
3 design change and all of that.

4 That waiver, when we took the money,  
5 we said we will reduce hospital admissions by  
6 25 percent in five years. And the Medicaid  
7 director said "And I hope to reduce it by  
8 50 percent."

9 When you apply to the Health  
10 Department for monies that were appropriated  
11 tonight, they're going to be evaluating the  
12 application in conjunction with the waiver in  
13 conjunction with the goal of reducing admissions.  
14 And I would just say to you that the fact that  
15 there are less beds is not automatically a need  
16 for getting more.

17 And in fact, just the fact that  
18 people want to improve their hospitals is not  
19 enough to meet the conditions of the waiver,  
20 since the waiver requires a lot of community  
21 health. And we put a provision in here for  
22 revolving payments for community health projects.

23 So there's going to be a whole  
24 different view than we've had before. We talked  
25 about it, trying to do it equitably in terms of



1 projects and throughout the state. But it's also  
2 the nature is different.

3 And so all of you, whether you're in  
4 Oneida or you're in Brooklyn or someplace else,  
5 ought to be paying attention to this waiver,  
6 because every one of your healthcare providers in  
7 each area of the state is going to be subject to  
8 this waiver, and organizing together. So it's a  
9 great thing to think about in the next three  
10 weeks.

11 SENATOR COMRIE: Thank you.

12 On the bill, Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator  
14 Comrie on the bill.

15 SENATOR COMRIE: I appreciate the  
16 information from Senator Hannon.

17 I just want to further emphasize  
18 that Queens County has been severely underbedded  
19 in hospital beds and hospital procedures. Many  
20 Queens residents have to travel to Brooklyn just  
21 to get the opportunity to have full diagnostic  
22 services done.

23 I believe that these hospitals that  
24 are looking and have shovel-ready projects are  
25 already dealing with overpopulation. Jamaica

1 Hospital, which is a crisis care center and  
2 emergency center for Queens and Brooklyn, needs  
3 projects, and they have shovel-ready projects  
4 just to improve their ability to take in  
5 emergency patients. Their ambulatory surgery  
6 suite, their cardiac catheterization suite, their  
7 ambulatory imaging suite are all in need of  
8 update so that they can maintain the flow as they  
9 are dealing with an overabundance of patients  
10 every day.

11 Flushing Hospital Center, the same  
12 thing. They're trying to get an emergency triage  
13 suite and an observation suite. New York Medical  
14 Hospital is also trying to improve their  
15 facilities so that they can keep up with the  
16 deluge of patients. So I would hope that in  
17 these monies that are available that  
18 Queens County can be given every consideration.

19 And Queens Hospital also, which is  
20 having an overabundance of patients due to the  
21 closing of Mary Immaculate Hospital, Peninsula  
22 Hospital, and other hospitals in Queens, is  
23 seeing patients at a higher level than they ever  
24 have before. And even though they've been  
25 working to try to acquire more space, I would

1 hope that they can be given the opportunity to  
2 ensure that they are getting part of this extra  
3 money.

4                   And that this entire Senate would  
5 work to make sure that Queens can find a way to  
6 improve their services on emergency care, because  
7 most of the requests for the shovel-ready  
8 projects are for emergency care services to deal  
9 with the high numbers that these hospitals are  
10 getting now, and those services will not be  
11 transferred to the other types of centers that  
12 are being requested in the Derma {ph} report. So  
13 I would hope that we could consider that.

14                   Thank you. Thank you,  
15 Mr. President.

16                   ACTING PRESIDENT GRIFFO: Senator  
17 Dilan.

18                   SENATOR DILAN: Mr. President, I  
19 would like to ask a question of the chairman of  
20 the Health Committee for a quick --

21                   ACTING PRESIDENT GRIFFO: Chairman  
22 of the Health Committee, did you say?

23                   Senator Hannon, do you yield?

24                   SENATOR HANNON: Yes.

25                   SENATOR DILAN: Yes, just for a

1 point --

2 ACTING PRESIDENT GRIFFO: Senator  
3 Dilan.

4 SENATOR DILAN: Mr. President, just  
5 for a point of clarification, the Senator  
6 mentioned several hospitals in Brooklyn. I just  
7 want to know, is this application process open to  
8 all hospitals in Brooklyn?

9 SENATOR HANNON: Yes.

10 SENATOR DILAN: It is.

11 SENATOR HANNON: If you meet those  
12 criteria.

13 SENATOR DILAN: The reason I asked  
14 the question is because I know that you mentioned  
15 certain hospitals. And I just wanted  
16 clarification that all hospitals in Brooklyn are  
17 eligible.

18 SENATOR HANNON: Those hospitals I  
19 mentioned are not in the bill, they're just the  
20 ones that have been mentioned the most. They're  
21 the ones that frankly have made some headlines of  
22 being in financial trouble.

23 SENATOR DILAN: Thank you very  
24 much.

25 On the bill.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2   Dilan on the bill.

3                   SENATOR DILAN:    Yeah, just a point  
4   also. I'd just like to indicate for the record  
5   that this is an issue that all members of the  
6   entire Brooklyn delegation have been working on,  
7   and I'd that to be noted in the record.

8                   Thank you.

9                   ACTING PRESIDENT GRIFFO:    Senator  
10  Montgomery.

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

13                  Would the chair of the Health  
14  Committee answer a question?

15                  SENATOR HANNON:    Yes.

16                  ACTING PRESIDENT GRIFFO:    Senator  
17  Hannon yields.

18                  SENATOR MONTGOMERY:    Thank you.  
19  Through you.

20                  Senator Hannon, I just have a couple  
21  of questions that I would like to ask you, one on  
22  the funds that are established based on Part J.  
23  Obviously we're very happy to see the  
24  \$700 million that's a targeted amount. But you  
25  then talk about several other funds as part of

1     this legislation.

2                     And the two questions that I have is  
3     I don't see the amounts associated with those  
4     funds, one.

5                     And two, since there are specific  
6     criteria established related to eligibility for  
7     the \$700 million, are other hospitals that don't  
8     meet that criteria going to be eligible for the  
9     other funds that you have established in this  
10    bill? The Community Health Revolving Loan Fund,  
11    there's an Essential Healthcare Provider Support  
12    Program fund. Are other hospitals going to be  
13    eligible for all that?

14                    SENATOR HANNON:     There's different  
15    criteria for different groups.

16                    SENATOR MONTGOMERY:   For different  
17    groups.

18                    SENATOR HANNON:     And Oneida  
19    obviously is not Kings. The revolving loan fund  
20    is basically for primary care. That's  
21    \$19.5 million, all of which is found in the  
22    approp bill, capital.

23                    And then there's the community --  
24    no, that's for the community health revolving  
25    fund. Then the sole community hospitals, which

1 wouldn't be a criteria for anybody in the  
2 metropolitan area. And then there's others --  
3 then there's rural, and there's 355 of the 400  
4 for the rurals. So it is divvied up.

5           The key, which I mentioned before,  
6 is this waiver money. As that waiver money is  
7 established and made available to members of the  
8 geographic region belonging to what's known as a  
9 preferred provider group, PPS, then they will be  
10 able to share in that as they meet certain  
11 project milestones that they themselves have  
12 submitted.

13           So there is a source of additional  
14 monies. I do believe one of the hospitals in  
15 Brooklyn did not become part of a PPS, I believe  
16 that's Brookdale. But that was their own choice  
17 and their own standards.

18           So there is monies available, and  
19 that needs to be looked at carefully. The  
20 hospital community is well aware of all of this.

21           SENATOR MONTGOMERY: Okay. The  
22 second question that I have is related to the  
23 temporary adjustment to reimbursement rates. And  
24 I would like to know, exactly how does that work?  
25 Does that have any relevance to those of us,

1 those hospitals in Brooklyn that have had this  
2 huge disparity in their reimbursement rates?  
3 Which in a sense, in a way, has triggered some of  
4 the fiscal problems that they have. And so is  
5 this an attempt to address that problem, or is  
6 this something else that I'm misreading it?

7           SENATOR HANNON: The first criteria  
8 for VAP, which is -- for lack of a better term,  
9 but I'm going to use what the negotiators have  
10 been using, which is VAP, Vital Access Provider,  
11 dash, IAAF. Those are the hospitals, the 28  
12 hospitals that shared in the \$250 million from  
13 the first part of the waiver. And they were  
14 given that when they had less than 15 days of  
15 cash on hand and were deemed to be essential to  
16 their communities.

17           There are several that are in  
18 Kings County: Brookdale, Interfaith, Kingsbrook  
19 and Wyckoff Heights. And Downstate was part of a  
20 public program. The rest of it were hospitals  
21 around the state. So it's not just Brooklyn  
22 that's suffering.

23           But these hospitals would get these  
24 monies, and one presumes relatively  
25 proportionally to what they got last year. But



1 that's not to say they can just assume it's going  
2 to happen. The criteria in the bill is they must  
3 show long-term viability. And these are the  
4 hospitals that for decades have not shown that.  
5 So there's a lot of work that they have to do  
6 immediately.

7 SENATOR MONTGOMERY: Right. Right.  
8 Mr. President, on the bill.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Montgomery on the bill.

11 SENATOR MONTGOMERY: Yes. I asked  
12 a question specifically about the issue of the  
13 rate adjustment because, while certainly we want  
14 to do as much as we can to save hospitals that  
15 have been in trouble for many years and are  
16 trying to survive -- and they're the VAPs, that  
17 we understand -- we have lost several hospitals,  
18 one very recently. Last year we lost a major  
19 hospital in Brooklyn, facility, and so there's  
20 been a lot of pressure on the remaining hospitals  
21 in the region to fulfill some of what we've lost  
22 based on LICH closing, Long Island College  
23 Hospital closing.

24 So we now have a situation where  
25 many of our hospitals have for many years been

1 short-changed in terms of their reimbursement  
2 rates. That is a problem that creates a  
3 structural imbalance in terms of their fiscal  
4 position. And so we cannot necessarily assume  
5 that just because the hospital is not going into  
6 bankruptcy tomorrow, it's not in a weakened  
7 position, because the reimbursement rates are so  
8 very different between Manhattan hospitals and  
9 Brooklyn hospitals.

10                   So I hope that we can look at that  
11 as a major issue in terms of our healthcare  
12 system. So as we move to transform the system,  
13 we really need to create an equitable  
14 reimbursement rate process so that our system in  
15 Kings County, which serves the largest number of  
16 people, is the largest, most populous county in  
17 the whole state, does not suffer this very, very  
18 weak, vulnerable healthcare delivery system  
19 because we have a structural imbalance.

20                   So I would like to just say that  
21 this is an opportunity. I'm very happy to see  
22 that you've put that funding into Kings County,  
23 \$700 million. We're very happy that you and the  
24 Governor and all of us have worked very hard to  
25 save, as much as we can, our hospitals. But we

1 do recognize that going forward, we're going to  
2 need to look very carefully at that reimbursement  
3 rate system so that we don't continue to have to  
4 come to this every year or so to rescue these  
5 health institutions.

6 So thank you, Mr. President. I'll  
7 be voting yes.

8 ACTING PRESIDENT GRIFFO: Hearing  
9 and seeing no other Senator that wishes to be  
10 heard, the debate is closed and the Secretary  
11 will ring the bell.

12 Read the last section.

13 THE SECRETARY: Section 3. This  
14 act shall take effect immediately.

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT GRIFFO: Announce  
19 the results.

20 THE SECRETARY: Ayes, 59. Nays, 3.  
21 Senators Krueger, Parker and Perkins recorded in  
22 the negative.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 Senator LaValle.

1           SENATOR LaVALLE:    Mr. President, on  
2   our desks someplace is Supplemental Calendar 28B.

3           ACTING PRESIDENT GRIFFO:   We'll  
4   refer to Supplemental Calendar 28B.

5           SENATOR LaVALLE:    And if we can go  
6   to the noncontroversial reading of Calendar 319.

7           ACTING PRESIDENT GRIFFO:   On  
8   Supplemental Calendar 28B, we will have the  
9   noncontroversial reading of Calendar Number 319.

10          The Secretary will read.

11          THE SECRETARY:    Calendar Number  
12   319, Senate Budget Bill, Senate Print 4612B, an  
13   act to amend a chapter of the Laws of 2015.

14          ACTING PRESIDENT GRIFFO:   Senator  
15   LaValle.

16          SENATOR LaVALLE:    Is there a  
17   message of necessity at the desk?

18          ACTING PRESIDENT GRIFFO:   There is  
19   a message of necessity at the desk.

20          SENATOR LaVALLE:    I move we accept  
21   the message.

22          ACTING PRESIDENT GRIFFO:   All in  
23   favor of accepting the Governor's message of  
24   necessity signify by saying aye.

25          (Response of "Aye.")

1           ACTING PRESIDENT GRIFFO:   Opposed?

2           (No response.)

3           ACTING PRESIDENT GRIFFO:   The  
4 message is accepted and the bill is before the  
5 house.

6           Read the last section.

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

9           ACTING PRESIDENT GRIFFO:   Call the  
10 roll.

11           (The Secretary called the roll.)

12           THE SECRETARY:   Ayes, 61.  Nays, 1.  
13 Senator Parker recorded in the negative.

14           ACTING PRESIDENT GRIFFO:   The bill  
15 is passed.

16           Senator LaValle.

17           SENATOR LaVALLE:   Mr. President,  
18 that was our last bill that we needed to pass.

19           Mr. President.

20           ACTING PRESIDENT GRIFFO:   Can I  
21 have some order, please, in the chamber.

22           SENATOR LaVALLE:   Thank you.

23           ACTING PRESIDENT GRIFFO:   Senator  
24 LaValle.

25           SENATOR LaVALLE:   Can you recognize

1 Senator Stewart-Cousins, please.

2 Excuse me, Senator LaValle?

3 SENATOR LaVALLE: Sorry. We have  
4 on our desk another resolution calendar.

5 We are opening for sponsorship, by  
6 Senator Breslin, Resolution 1332. It's a  
7 resolution extending admiration to William A.  
8 Toomey, III. Mr. President, I move we adopt this  
9 resolution.

10 ACTING PRESIDENT GRIFFO: What  
11 we'll do, Senator LaValle, is have the Resolution  
12 Calendar before the house, and we'll adopt the  
13 calendar.

14 All in favor of adopting the  
15 Resolution Calendar before the house signify by  
16 saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO: Opposed?

19 (No response.)

20 ACTING PRESIDENT GRIFFO: The  
21 Resolution Calendar is adopted.

22 The resolution that Senator Breslin  
23 has sponsored is open for cosponsorship. Should  
24 you choose not to be a cosponsor, please notify  
25 the desk.

1                   Now we will have remarks from the  
2     leaders?

3                   SENATOR LaVALLE:     Now we're ready  
4     to recognize Senator Stewart-Cousins.

5                   ACTING PRESIDENT GRIFFO:     I'd ask  
6     for some order in the house, please, as we call  
7     upon the leaders for closing remarks for the  
8     2015-2016 budget.

9                   Senator Stewart-Cousins.

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

12                  And again, thank you, Senator Skelos  
13     and Senator Klein.   And of course I want to  
14     congratulate Governor Cuomo for once again  
15     getting a budget passed on time, at least in this  
16     house, through the Senate.

17                  And I really wanted to thank my  
18     wonderful conference.   During this budget  
19     process, you were incredible.   You raised such  
20     important issues.   You debated with intelligence,  
21     passion and compassion.   And I was also so  
22     heartened by the way you stood up for me every  
23     day as we talked about my being in the  
24     negotiation room.

25                  So again, I couldn't be more

1 grateful and more proud of all of you, and I  
2 thank you all.

3           And I'd also want to, in terms of  
4 the budget, give a special thanks to my ranker,  
5 Senator Krueger, for all of your hard work. And  
6 of course the staff on both sides of the aisle.  
7 What happens during these weeks and months are  
8 really just incredible feats, and you all do it  
9 and you all make us look really smart and really  
10 good. So I want to thank all of you.

11           So I bet you all know what I'm going  
12 to say. I'm going to say what my colleagues  
13 said. What happened in this budget and the story  
14 of this budget is more a story of who was  
15 included and who was left out. And it's also  
16 more of a story of what didn't happen as opposed  
17 to what did.

18           So we'll talk about some of the  
19 things that didn't happen, because I know you all  
20 are going to hear the things that did.

21           But for our part, we failed to raise  
22 the minimum wage that would have lifted thousands  
23 of New Yorkers out of poverty. We failed to  
24 provide desperately needed property tax relief  
25 for homeowners and business owners across



1 New York State, yet we gave tax breaks to yacht  
2 owners and airplane owners.

3 We failed to deliver relief for  
4 renters and provide adequate funding for  
5 affordable housing. We failed to address the  
6 inequality in how we fund our schools. And  
7 instead of using comprehensive bottom-up  
8 approaches, we once again rely on SED and a quick  
9 testing fix.

10 We haven't gone far enough to ensure  
11 that every child has the opportunity to access  
12 quality affordable higher education. We failed  
13 to pass the DREAM Act.

14 Scandal after scandal has rocked  
15 Albany, yet we failed to pass a meaningful ethics  
16 package that would have gotten to the heart of  
17 the problem.

18 We didn't include paid family leave  
19 or Raise the Age legislation, and we even failed  
20 to provide the transparency and openness that the  
21 public deserves when we deal with such a massive  
22 undertaking. We simply rushed bills to print and  
23 then to the floor with little or no real public  
24 debate or input.

25 And always this time of the year we

1 pat ourselves on the back for what we've  
2 accomplished and we talk about the importance of  
3 on-time budgets. And I agree, they are  
4 important. But I know that we also can't forget  
5 that we still have a lot of work to do, and we've  
6 got three months in the session left.

7 And in these three months I hope  
8 that the voices of my conference and the over  
9 8 million people we represent are allowed to  
10 participate in negotiations that will continue to  
11 build our economy, create jobs, and cut the tax  
12 burden. I hope together we'll be able to find  
13 real solutions for our education system and not  
14 simply more testing or demonizing our teachers.

15 I hope that together we'll be able  
16 to pass even stronger ethics reforms and a real  
17 public financing system. I hope that we'll be  
18 able to enact Raise the Age legislation and  
19 create more affordable housing across New York  
20 State. I hope together we will extend and  
21 strengthen our rent control rations, pass paid  
22 family leave, and enact a real minimum wage  
23 indexed to inflation to lift people out of  
24 bone-crushing poverty.

25 Ladies and gentlemen, as we embark

1 on our break, I wish you happy Easter and  
2 Passover and a good rest. And I hope that when  
3 we come back, we'll be able and ready and willing  
4 to together take on the rest of New York's  
5 problems and continue to work together.

6 Thank you.

7 (Applause.)

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

10 Senator LaValle.

11 SENATOR LaVALLE: Mr. President,  
12 would you recognize Senator Klein.

13 ACTING PRESIDENT GRIFFO: Senator  
14 Klein.

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

17 I know the hour is late, but a lot  
18 of work and a lot of time and effort went into  
19 crafting this budget. And I know the Republican  
20 side of the aisle, their staff, led by Robert  
21 Mujica, has worked so hard.

22 But certainly the staff of the  
23 Independent Democratic Conference -- although a  
24 small conference, we have very demanding and  
25 focused members -- worked very hard as well. I

1 want to thank our chief of staff, John Emrick,  
2 our finance director, Francesc Marti, deputy  
3 finance director Sarah Bangs, and David Frazier,  
4 our policy director Dana Carotenuto, our counsel  
5 Shelley Andrews, Candice Giove in communications.

6 I think they deserve a tremendous  
7 round of applause. Thank you.

8 (Applause.)

9 SENATOR KLEIN: I also want to say  
10 a very special thank you to my colleagues in the  
11 Independent Democratic Conference.

12 We unveiled a very ambitious plan  
13 called Invest New York in the beginning of the  
14 year. We were focused. We accomplished a lot of  
15 it. Some of it has not been done, but that means  
16 we have to roll up our sleeves and work even  
17 harder over the months ahead.

18 And I want to thank Senator Cousins,  
19 and especially I want to thank Senator Skelos. I  
20 think Senator Skelos proves each and every day  
21 that he's a leader. He proves that he's  
22 interested in getting things done. You know, a  
23 lot of people talk the talk about working  
24 together in a bipartisan fashion; I think Senator  
25 Skelos does that, he believes in it, and he

1 accomplishes it each and every day.

2 I think this is certainly monumental  
3 once again. It's about 11:20. Hopefully the  
4 Assembly does the same; we're about to pass the  
5 fifth on-time budget. I know some will say it's  
6 merely a talking point. Others who understand  
7 good government realize by doing this we lower  
8 our bond rating. By doing this we tell financial  
9 institutions we're serious about doing the  
10 people's business.

11 And I think, first and foremost, I  
12 think the people understand that now the  
13 State Senate and government works. When we used  
14 to pass budgets two months, three months late,  
15 now we do it on time and it's become a matter of  
16 course. And I think it's our seriousness in  
17 governing.

18 I think today we have a budget where  
19 we invest \$1.3 billion more in education. When  
20 it comes to our schools and our students, we're  
21 increasing our investments, making sure students  
22 in K through 12 also have the support they need.

23 Childcare subsidies, I think we  
24 recognize that working families around the State  
25 of New York need help in decent, affordable

1     childcare. There were many years that went by  
2     that we actually, because of the financial  
3     crisis, made severe cuts to childcare subsidies.

4                 This is the second year in a row  
5     we've increased our state support for daycare,  
6     recognizing that families need help with daycare.  
7     And it's not only about daycare, it's an economic  
8     development tool. How are we ever going to  
9     expect working moms or working families to go out  
10    and work if they can't rely on decent, affordable  
11    childcare at home? And we've accomplished that.

12                I think our investment in housing  
13    has been the most we've done in a long time. As  
14    we talked about before, \$100 million,  
15    \$100 million to NYCHA, which makes sure we're  
16    taking our investment in NYCHA, our low-income  
17    housing seriously. And there's going to be  
18    strings attached, and there should be. Because I  
19    think NYCHA can do a better job in making sure  
20    they deliver decent and affordable housing for  
21    the thousands of tenants across New York City.

22                Something that I'm particularly  
23    proud of, as I worked on it for a long time and  
24    we actually made our initial investment this  
25    year, is the Mitchell-Lama housing program.

1                   Many of you probably know anywhere  
2                   in the State of New York that the Mitchell-Lama  
3                   housing program is the greatest housing program  
4                   ever created in the State of New York. It worked  
5                   well. It understood a very simple premise, that  
6                   you can have different income groups, various  
7                   income levels living under one roof. And they've  
8                   called that their home for many, many years.

9                   Unfortunately, we haven't built any  
10                  new Mitchell-Lama housing in over 30 years. Well  
11                  today, as part of this budget, we established  
12                  Mitchell-Lama 2020, a \$50 million investment for  
13                  new housing, \$50 million investment to  
14                  rehabilitate existing Mitchell-Lama housing,  
15                  recognizing that we need housing for all levels  
16                  of the income spectrum in our state.

17                 We're talking about a lot of very,  
18                 very important things and I think a lot of very  
19                 important accomplishments. But like any budget,  
20                 you celebrate your victories and you roll up your  
21                 sleeves and you work hard to get the things that  
22                 you weren't able to get.

23                 I still believe that we need an  
24                 increase in the minimum wage. I think there's no  
25                 excuse for thousands of hardworking taxpayers

1 across this state still living paycheck to  
2 paycheck. And I think it was mentioned here  
3 before that one of the greatest economic  
4 development tools is an increase in the minimum  
5 wage. When we increased the minimum wage to \$9,  
6 I predicted that it would not only help our  
7 economy but it would create jobs, putting more  
8 money back into our local communities and stores.

9           Paid family leave. I'm very proud  
10 of the fact that we had a committee hearing that  
11 was chaired by the Labor chair, Jack Martins,  
12 where we heard both sides of a very important  
13 issue. We heard from the business community, we  
14 heard from working families and labor groups.  
15 But I'm confident that we can come up with a paid  
16 family leave package that doesn't burden business  
17 but at the same time helps our workers.

18           Because I think we have to remember  
19 a very simple truth, that no New Yorker should  
20 ever have to choose between what their heart is  
21 telling them to do and what their bank account  
22 allows them to do.

23           I think before the end of this  
24 legislative session we have to once again do  
25 property tax relief. We have to recognize that



1 the American dream of homeownership around our  
2 state is slipping. Senior citizens can't afford  
3 to live in their family home, young families  
4 can't afford to buy a home because of the high  
5 cost of property taxes. And I'm very confident  
6 that we can get together and once again pass  
7 meaningful property tax relief.

8           You know, there's a lot of other  
9 things that we need to do, but I think I'll leave  
10 it at that. And I just want to say we should be  
11 very proud today because we did address many,  
12 many of the needs of New Yorkers. We once again  
13 did it in a bipartisan fashion. And I'm very,  
14 very proud to be part of the fifth on-time budget  
15 in a row.

16           Thank you, Senator Skelos.

17           (Applause.)

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

20           Senator LaValle.

21           SENATOR LaVALLE: Mr. President,  
22 would you recognize Senator Skelos.

23           ACTING PRESIDENT GRIFFO: Senator  
24 Skelos.

25           SENATOR SKELOS: Thank you,

1 Mr. President.

2 Let me start off by saying the  
3 Governor, because he is so thrilled with this  
4 budget, he's invited all of us -- seriously --  
5 back to the mansion to celebrate how wonderful  
6 this budget is. So you're all invited. It's  
7 down the street. And I'm sure there will be some  
8 libations there. So he just wants to thank  
9 everybody for supporting him in his budget.

10 I want to start off by thanking  
11 Senator Klein and certainly Senator  
12 Stewart-Cousins.

13 ACTING PRESIDENT GRIFFO: Can I  
14 have some order in the chamber.

15 Excuse me, Senator Skelos.

16 Members, please. Thank you.

17 Senator Skelos.

18 SENATOR SKELOS: -- and Senator  
19 Stewart-Cousins, all working together to make  
20 sure that we did have an on-time budget.

21 I want to thank Senator DeFrancisco,  
22 chair of Finance. His journey to this point is  
23 long and many times boring as he sat through all  
24 those budget hearings, listening to testimony  
25 upon testimony, but working diligently answering

1 the questions today.

2 So, Senator DeFrancisco, we thank  
3 you for the great, great job that you've done as  
4 chair.

5 (Applause.)

6 SENATOR SKELOS: All of our  
7 staff -- IDC, minority, majority -- we're all  
8 blessed to have great people that work day and  
9 night to make sure that we get to this point of  
10 having a budget completed to serve the people of  
11 this state.

12 I want to thank counsel Dave Lewis,  
13 communications director Kelly Cummings, but in  
14 particular I want to thank Beth Garvey.

15 (Applause.)

16 SENATOR SKELOS: Now, as you know,  
17 there will be a change in her life shortly, to  
18 the better.

19 But -- and I've said this before,  
20 Beth, in all honesty, until I really experienced  
21 going through this budget cycle with you, I  
22 didn't appreciate the ability that you have and  
23 how important you are to the functioning of this  
24 Senate. So we thank you, Beth.

25 (Applause.)

1                   SENATOR SKELOS:   Robert Mujica.  
2   What can I say about Robert?  I'd better say more  
3   than I said about Beth, because I don't want him  
4   to get jealous.

5                   But he is, I really believe, the  
6   most talented person that I've ever met in  
7   government.  Respected by all in this chamber,  
8   Republican or Democrat, and certainly respected  
9   by the Governor and the Assembly, in his ability  
10  to bring issues together, especially as they  
11  relate to the budget, and get a positive result  
12  for the people of this state.

13                  So, Robert, all of us thank you for  
14  the great work that you've done.

15                  (Applause.)

16                  SENATOR SKELOS:   So with your help,  
17  and hopefully the help of the Assembly -- I think  
18  they've completed one bill so far, hopefully  
19  more -- this will be our fifth on-time budget.  
20  And really, we're all to be congratulated for  
21  that.

22                  Many of our priorities, our  
23  Republican priorities for a brighter future for  
24  the taxpayers and their families, are in this  
25  budget.  For the fifth year in a row, our budget

1 lives within a 2 percent spending cap and rejects  
2 tax increases. In just five years, we've turned  
3 a \$10 billion deficit to a surplus, and certainly  
4 that positions us well for the future.

5 I'm pleased that we have done away  
6 with nearly 60 percent of what remains of the  
7 Gap Elimination Adjustment which was imposed upon  
8 our schools a number of years ago, and boosted  
9 overall state aid by \$1.4 billion. As a result,  
10 students will once again have the resources they  
11 need to learn and to thrive.

12 As a state, we make private-sector  
13 job creation a priority and ensure that every  
14 region of the state is helped with its needs, as  
15 we should: \$1.5 billion for upstate  
16 revitalization and critical capital funds for  
17 Long Island, New York City, and the  
18 Hudson Valley.

19 The Governor and the Legislature  
20 have worked together to strengthen the state's  
21 ethics codes and disclosure laws, increase  
22 transparency, and restore the public's trust.

23 Despite these victories, there's a  
24 lot more to do. We have yet to reach an  
25 agreement on the creation of an education

1 investment tax credit. We need to lift the cap  
2 on charter schools so that all kids have the  
3 ability to learn and have opportunities. We need  
4 to make the property tax cap permanent, among  
5 other things. And certainly, based upon the  
6 discussions that we had today, we will explore  
7 how and if mayoral control should be continued in  
8 New York City, in what will be in the best  
9 interests of the students of New York City.

10 I will be asking all of us to work  
11 together for the next couple of months, and I  
12 think this budget is certainly a good start.  
13 Before we close our session in June, let's finish  
14 the job for taxpayers, job creators, and all  
15 New Yorkers.

16 I thank you very much. Have a happy  
17 Easter and a happy Passover.

18 I'm serious about the Governor's  
19 invite --

20 (Laughter.)

21 SENATOR SKELOS: -- so if we go,  
22 enjoy yourself, be careful going home, and have a  
23 great break.

24 And there being -- any business at  
25 the desk?

1                   ACTING PRESIDENT GRIFFO:    There is  
2   no further business before the desk,  
3   Senator Skelos.

4                   SENATOR SKELOS:    Thank you.   Then I  
5   move we stand adjourned until Tuesday,  
6   April 21st, at 3:00 p.m., intervening days being  
7   legislative days.

8                   (Standing ovation.)

9                   ACTING PRESIDENT GRIFFO:    On  
10   motion, the Senate will stand adjourned until  
11   Tuesday, April 21st, at 3:00 p.m., intervening  
12   days being legislative days.

13                   The Senate is adjourned.

14                   (Whereupon, at 11:30 p.m., the  
15   Senate adjourned.)

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