NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 16, 2002

10:23 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, May 15, the Senate met pursuant to adjournment. The Journal of Tuesday, May 14, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Skelos, I wish to call up his bill, 6386, which has passed both houses and not been delivered to the Governor.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 824, by Senator Skelos, Senate Print 6386, an act authorizing the assessor of the County of Nassau.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Mr. President, I now move to reconsider the vote by which this bill was passed, and I ask that the bill be restored to the order of third reading.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: The bill is restored to the order of third reading.

Senator Farley.

SENATOR FARLEY: Mr. President, I now offer up the following amendments.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

SENATOR FARLEY: Mr. President, on behalf of Senator Johnson, on page 42 I offer the following amendments to Calendar Number 843, Senate Print Number 6652, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, thank you. May we now have the noncontroversial reading of the calendar.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 156, by Senator Seward, Senate Print 5340, an act to amend the Insurance Law, in relation to permitting.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect in 90 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 183, by Senator Libous -

SENATOR FUSCHILLO: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 404, by Senator Trunzo, Senate Print 1550, an

act to amend the Real Property Tax Law, in relation to coordinating.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 405, by Senator Trunzo, Senate Print 1682, an act to amend the Real Property Tax Law, in relation to income eligibility.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 625, by Senator Larkin, Senate Print 4682B, an act to amend the Economic Development Law, in relation to promoting.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 628, by the Assembly Committee on Rules, Assembly Print Number 8734, an act to amend the Economic Development Law, in relation to powers and duties.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 742, by Senator Morahan, Senate Print 3145, an act to amend the Executive Law, in relation to veterans.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 821, by Senator Balboni, Senate Print 6365, an act in relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2 -

SENATOR DOLLINGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 849, by Senator Trunzo, Senate Print 7012, an act to amend the Vehicle and Traffic Law, in relation to form.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 858, by Senator Alesi, Senate Print 1138, an act to amend the Penal Law, in relation to endangering.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 873, by Member of the Assembly Weprin, Assembly Print Number 10554, an act to amend the Civil Practice Law and Rules, in relation to the method.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 890, by Senator Saland, Senate Print 4376, an

act to amend the Correction Law, in relation to making technical corrections.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 900, by Senator Kuhl, Senate Print 2312A, an act to amend the Parks, Recreation and Historic Preservation Law and -

SENATOR DOLLINGER: Lay the bill aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 954, by Member of the Assembly Lopez, Assembly Print Number 9968, an act to amend Chapter 449 of the Laws of 1986.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 955, by Member of the Assembly Lopez, Assembly Print Number 9969, an act to amend Chapter 777 of the Laws of 1986.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 956, by Member of the Assembly Lopez, Assembly

Print Number 9967, an act to amend Chapter 84 of the Laws of 1993.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1000, by Senator Spano, Senate Print 2901, an act to amend the Labor Law, in relation to providing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of January.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1014, by Senator Larkin, Senate Print 6221, an act to amend the Real Property Tax Law, in relation to alternative.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DOLLINGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1018, by Member of the Magee, Assembly Print Number 860A, an act to amend the General Municipal Law, in relation to point systems.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1027, by Senator Fuschillo, Senate Print 7150, an act to amend the Real Property Tax Law, in relation to responsibilities.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1031, by Senator Balboni, Senate Print 7200, an act authorizing the assessors of the County of Nassau.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: Just briefly, Mr. President. I laid the other bill aside; Senator Balboni and I will talk about that in a second.

But I would suggest that Senator Balboni is seeking to become the king of property tax exemptions. I think he's ahead. I think this moves him ahead on the scoreboard. My other colleagues from Nassau County are trailing.

Please -- Senator Trunzo is laughing -- please, everybody from Nassau and Suffolk, get those property tax exemptions in. This may be your last chance. We're getting close to the end of the session. We've only done about 40 of these. We're wasting our time printing these bills.

But don't hold out, you can still take the lead. Don't let Senator Balboni take this title. This is far too important. He's moving ahead for the gold medal, the king of property tax exemptions.

Statewide? Maybe you'll start doing it statewide.

I would suggest, Mr. President, we continue to do these -- please, please, someone from Nassau or Suffolk step forward. Let's do a statewide bill and get it over with.

Meanwhile, Mr. President, I never thought I'd say this, but in this chamber of democracy, I hail the king, Senator Balboni. I'm voting no.

(Laughter.)

ACTING PRESIDENT MEIER: Senator Dollinger will be recorded in the negative.

Your Majesty, why do you rise?

(Laughter.)

SENATOR BALBONI: I would just like to ask two things. One, that I be recorded in the affirmative in this.

And the second, that this transcript, suitably engrossed, be put into all of my campaign mailings this coming fall.

Thank you very much.

(Laughter.)

ACTING PRESIDENT MEIER: Senator

Balboni will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 44. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1040, by Senator Lachman, Senate Print 3074, an act to amend the Public Authorities Law, in relation to prescribing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1065, by Senator Leibell, Senate Print 4556, an act to amend the Military Law, in relation to payment.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1071, by Member of the Assembly Tocci, Assembly Print Number 9917, an act to amend Chapter 266 of the Laws of 1981.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1087, by Senator DeFrancisco, Senate Print 5779, an act to amend the Public Authorities Law, in relation to contracts.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1108, by Senator Skelos, Senate Print 6321A, an act to amend the Alcoholic Beverage Control Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44. Nays,

1. Senator Onorato recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1146, by Senator Volker, Senate Print 6204, an act authorizing the transfer.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1149, by Member of the Assembly Weisenberg, Assembly Print Number 9870A, an act to amend Chapter 505 of the Laws of 1995.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1160, by Senator Volker, Senate Print 7165, an act in relation to granting.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1182, by Senator LaValle, Senate Print 4287, an act to amend the Education Law, in relation to inclusion.

ACTING PRESIDENT MEIER: Read the

last section.

SENATOR DOLLINGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

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

SENATOR FUSCHILLO: Thank you, Mr. President. May we now take up the controversial reading of the calendar.

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 821, by Senator Balboni, Senate Print 6365, an act in relation to authorizing.

SENATOR DOLLINGER: Can we have an explanation, Mr. President.

ACTING PRESIDENT MEIER: Senator Balboni, an explanation has been requested of Calendar 821 by Senator Dollinger.

SENATOR BALBONI: Thank you, Mr. President.

The Haitian Baptist Church of Westbury seeks relief from the imposition of

real property taxes on their parcel as a result of the failure of the county's assessor system to recognize the fact that they are in fact tax-exempt.

Why do they fail to recognize? Because we have a system whereby people need to make an application for this tax-exempt status, and they had failed to do so.

There's a letter in the file of the Nassau County Department of Assessment dated April 11th, 2001, which has confirmed that the church will be exempt from all tax and state taxes for the 2001-2002 school tax and 2002 county tax. However, that letter also indicates that the county would not grant a tax-exempt status for prior periods.

Therefore, the bill references a date in 2001 for purposes of stating when the exemption was granted going forward, but not going back.

I believe that Senator Dollinger had a question as to whether or not the date in the memo of the purchase date in 1997 is in fact the accurate date. It is. And what this bill specifically seeks to do is to apply the

tax-exempt status to the remaining portion of 1997, the taxable year 1998, taxable year 1999, and taxable year 2000.

SENATOR DOLLINGER: Through you, Mr. President.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: If the king will yield.

ACTING PRESIDENT MEIER: Senator Balboni, do you yield for a question?

SENATOR BALBONI: I yield, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Senator, what is the total amount of tax, real property tax, that's going to be abated if this exemption is granted?

SENATOR BALBONI: The current tax liability against the parcels in question is $9,989.40. The church has already paid $7,426.27 for the prior taxable periods before the parcel was removed from the tax rolls of taxable property.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Balboni would yield.

ACTING PRESIDENT MEIER: Senator Balboni, do you yield for another question?

SENATOR BALBONI: I do yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: If this bill passes and becomes law, will the county reimburse the church for the $7,000 it's already paid?

SENATOR BALBONI: By the way, thanks to counsel here. Jim Jordan is absolutely terrific on these bills.

If you look at lines 19 through 23 of the legislation: "If exemption is granted and such organization therefore shall have paid any tax with respect to the subject roll, the governing body or tax department may, in its sole discretion, provide for the refund of those taxes paid and cancel taxes, fines, penalties or interest remaining unpaid."

So we allow the taxing jurisdiction -- namely, Nassau County -- to make that determination.

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

ACTING PRESIDENT MEIER: Senator Balboni, do you continue to yield?

SENATOR BALBONI: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Senator, do you know what happened when this tax-exempt entity started to get real property tax bills for four years and apparently didn't do anything about checking its tax-exempt status with the real property assessor in Nassau County? It did nothing; is that correct?

SENATOR BALBONI: Mr. President, through you, there is an indication in the correspondence -- which I'm trying to look for now -- as to an explanation as to that.

From my director of legislation, the property used to be a church and then there was a transfer and then it became a church again. And so therefore, there was a change in the operation of the parcel which

provided for the opportunity to go back to the tax-exempt status.

But, Mr. President, by way of answer, might I just take a moment and digress? I understand Senator Dollinger's broader concerns regarding these bills. I'm not quite sure why he objects to the introduction of a particular piece of legislation as being an unnecessary cost or burden.

I could offer that if you were to take a look at every member's legislative agenda, you might find bills that continue to be introduced year after year after year and never go anywhere. And I would hate to apply that standard. Because, as you know, an idea is something that should be put in print.

But secondly, the operation of the Haitian church in Westbury is something that neither you nor I, Senator Dollinger, have had the opportunity to go and witness and participate in. However, I would be happy to take you on a walking tour of Nassau County and you can come to all the churches and facilities that have asked for this type of

exemption and we can go in together and you can hear from the parishioners of those churches as to whether or not they believe that it is appropriate for a religious institution important to the Haitian community of Westbury to have to pay taxes when it is a part of this nation's credo that there is a separation of church and state and there is an exempt status under this taxation.

And the reason why I say this is because I know that you want to see a statewide bill, but this is an individual case. And notwithstanding the fact that they should have, could have, and would have been more diligent with respect to the application of the exemption, nonetheless the fact remains that this is an opportunity to grant this church, this religious organization which is important to this community the same opportunities enjoyed by every other religious institution in this state.

SENATOR DOLLINGER: On the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I appreciate Senator Balboni's as always eloquent explanation.

I don't really want to visit the facilities in Nassau and Suffolk County that we have done probably 50 of these bills this year.

I would like to be introduced to the person in charge of the church who gets a property tax bill that says you owe property taxes and who says: Well, this can't be true. We're tax-exempt. Let's do nothing. Let's stick it in the drawer and not even call the assessor to find out why we're paying property taxes on a piece of property that's tax-exempt. I don't want to go see the facility. I want to meet the treasurer of the church who says: Oh, we got a property tax bill, but we're going to do nothing.

I would suggest, Senator Balboni, that this beneficial bill, which contains a great idea, should be called the Nassau-Suffolk lack of accountability law. Because what it does is it says you get a bill, you know you're not supposed to pay

property taxes, and you ignore it.

So what's happened in Nassau and Suffolk, Senator Balboni, is that you have an application process, you have an exemption process, and the people who get these bills don't follow the law. They don't even pay any attention. They get a property tax bill, they stick it in the drawer and they don't do anything. Because they now know that that unaccountability, that lack of responsibility can be resolved by one of them going to their favorite Nassau County senator and having them sponsor a bill.

This bill, this whole concept is fostering irresponsibility among not-for-profit organizations in Nassau and Suffolk County. You're creating a bigger problem because you're telling them ignore these bills and your favorite senator will be honored and be called man of the year in all of these congregations when they deliver a property tax relief.

I would suggest that those who believe in accountability ought to be voting no on these bills.

And I'll conclude on one other note, Senator Balboni. And I certainly don't hold you personally accountable for this. But I find it astounding that all of these institutions are in places represented by Republican senators.

I once tried to get -- you said every idea should be put in print. I couldn't agree with you more. I'd rather see the idea put in law. And only by a statewide bill can I be assured that when this happens in the districts of Senator Brown or Senator Hevesi or Senator Krueger, that they'll be able to get the same favored treatment that now only exists for congregations in not-for-profit groups that have to pay real property taxes that happen to be in communities represented by Republican senators.

What's unfair about this, Senator Balboni, is not only the lack of accountability but, quite frankly, the political posturing in this house that prevents everybody from being treated equally. When that happens, I'll vote for that bill.

As long as we're going to do it

just to benefit Republican senators and create a whole pattern of unaccountability in Nassau and Suffolk, I'm going to continue to vote no.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: I am certain that as I rise today that my good colleague and friend Richard Dollinger does not mean to stand up on this floor as a public official and denigrate any section of our community.

Because he fully understands that we're a nation of immigrants and, although we might expect sophistication and understanding from every single immigrant group, in fact that has not always occurred.

And so it's a wonderful place in America when we can stand up without one scintilla of evidence and make a case of lack of accountability when you've never visited the church, you've never spoken to the parishioners, you don't know what happened with this. And in fact, when you say that they didn't pay the bills, you're wrong. They did not ignore them, they paid the bills.

Because maybe -- and he says why

did they pay the bill. I'll tell you why. Because maybe, as God-fearing Haitians who are coming to this country that believe in the United States, maybe they figured that the county knew what they were doing. And if they said they owed the bill, then they might as well pay it. Because that's what happened here.

You know, it's a little bit tiring, in the context of a political debate and discussion, to denigrate any member of our community, particularly the Haitian community. The Haitian community has been struggling, if you haven't noticed. They've been trying to assimilate. And here we go and we give them a hand.

And yet you say because of a hypertechnicality that we shouldn't be doing it. So you'd punish them, you'd punish their ability to continue their financial operations.

And by the way, Senator Dollinger, I don't know what the financial wherewithal of this church is, because as a practical matter they have to hire an attorney to go and bring

this application. So here's what happens. They get the bill, they figure, well, they must know what they're doing, they pay the bill, and then some time later someone says: "You know, you're not supposed to be paying it because you are exempt from real property taxes."

And then they go and hire an attorney and make application, and then they're denied. And then they come to me. And I'm sorry I'm a Republican, I'm sorry that that bothers you. But you know what? That's not going to stop me from doing the job. Because that's why they appeared today, and that's why this bill is here, Rick. And you know that as well as I do.

Mr. President, I have tremendous respect for Senator Dollinger. There is not one personal hostility between us. I would just ask as we go forward that we maintain the focus on what the issue is. Senator Dollinger wishes a statewide approach to this issue. On the merits, he's probably right.

But you know what? Until the day when we do a bill, I'm going to stand here and

I'm going to try to represent my constituency to the best of my ability. And I would appreciate very much if the people in this chamber would let me do that without commenting on the veracity or the accountability of those individuals.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just to respond to Senator Balboni, I've never criticized his advocacy on behalf of this group. And they may be entitled to it. In fact, my guess is that they are clearly entitled to the property tax exemption.

What bothers me, however, is that we continue to do these bills and we continue to send a message that says if you're a not-for-profit group you don't have to hire a lawyer, which is what everybody does when they have a question of law. They need it answered, so usually they hire someone who might be able to give them the answer.

And with all due respect to the

Haitian community, we've done this for almost every religious group. I think all fifty of them, with some exceptions, are religious groups.

They're entitled to property tax exemptions. I don't oppose that. I don't oppose that they're trying to assimilate. I think that's wonderful. One of the processes of assimilation is to understand what the laws are. If you don't understand them, ask a lawyer, get an answer, and then act according to the answer that he or she gives you.

I would just suggest -- and I won't repeat myself -- but the solution to this is in a statewide bill for partial property tax exemptions for not-for-profit groups. Let's take politics out of it, let's treat everybody the same. I appreciate Senator Balboni's advocacy.

I would love to do a bill like this too, except I only get one a year, Mr. President. And I've probably got dozens of people out there that are waiting for them. And I'm not so sure, given the way this house is governed, that I would ever be able to give

the dozens of community groups that I need to give them relief, because there's a rule in this house that says on the last day -- you know, like judgment day -- on the last day, we will do one Dollinger bill. That's the concession that this house gives me.

I would suggest, Senator Balboni, a true spirit of trying to solve the problem for everybody would suggest that any Democrat in this house who has any constituent in their same situation should have a bill passed immediately, early on the session, and not have to wait till judgment day for it to happen. Then I will be convinced that politics has been taken out of this issue.

Until then, I still think we're fostering unaccountability. I'll continue to vote no and hope for change.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Duane, why do you rise?

SENATOR DUANE: To explain my vote, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane, to explain his vote.

SENATOR DUANE: I used up a couple of handkerchiefs listening to Senator Balboni's explanation of his legislation.

And there's a part of me that is actually jealous that Senator Balboni has the chance to stand up and explain his vote. I would love to have that opportunity. Now, it's not that I haven't passed bills in this body. I have. They just haven't had my name on them.

But sometime I'd love to be able to stand up and be questioned sharply by my colleagues on a piece of legislation which has been brought to the floor which has my name on it in the first position.

I'll vote yes on this. I'll remember to bring more tissues for the future so that I'll be prepared.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane will be recorded in the affirmative.

Senator L. Krueger, to explain her vote.

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

I also will be voting yes on this bill. But I was fascinated by the debate, day in, day out now, on these issues of allowing localities the right to do real property tax exemptions.

And I'm fascinated also by the fact that today, earlier, I supported two bills by Senator Trunzo which would offer real property tax exemptions for elderly and disabled people, based on localities choosing to do so.

And I've heard the debate of Senator Dollinger making the arguments that Democratic bills don't get heard. But I would argue Republican bills that matter also are not getting heard.

And I would challenge Senator Balboni and Senator Velella and Senator Marchi and Senator McGee and Senator Padavan, who have all sponsored a very important real

property tax exemption bill for mostly the people in my city, people who are disabled who are trying, for years, to be included in the SCRIE program to allow the Senior Citizen Rent Increase Exemption program to be applied to disabled people. This is a Republican bill that all of the named senators are sponsoring, year after year, and yet we don't see it come to the floor.

And it is critical for disabled people who live in rental apartments, as opposed to not-for-profit facilities such as the church we're debating now, or houses, which were the issues with the two Trunzo bills earlier. That these are equally important, if not more critical, bills for a large number of people.

So I would urge Senator Balboni and the other senators who have sponsored this bill to bring this bill to the floor this year. It is S6360. It would give the localities that have the SCRIE program -- and New York City, I believe, being the largest among them -- the opportunity to make a local decision for theirselves about their use of

tax money to ensure that a very vulnerable population -- disabled, poor New Yorkers -- do not lose their homes, ending up costing the State of New York far more than if we were to allow them and assist them to stay in their homes.

So with respect to the arguments that took place between Senator Balboni and Senator Dollinger and the real issue of politics determining what bills hit this floor or not, I would urge my Republican colleagues to move forward with their own bill immediately to address the need of disabled New Yorkers.

Thank you.

ACTING PRESIDENT MEIER: Senator Krueger, I'm sorry, how do you vote?

SENATOR LIZ KRUEGER: I'm sorry, I will vote yes.

ACTING PRESIDENT MEIER: Senator Krueger will be recorded in the affirmative.

Senator Schneiderman, to explain your vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I very much appreciate the eternally fascinating colloquy between Senators Dollinger and Balboni. One aspect of today's colloquy, though, I think is critically important. I agree wholeheartedly with Senator Balboni's statement about the Haitian community, who are not really different in many respects from a lot of other immigrants who come to our shores and deserve a helping hand, deserve at least not to be pushed backwards in their efforts to get involved in the business of being an American.

And I would hope that Senator Balboni will also join me, with his awesome rhetorical skills and mastery of the issues, when today I move for an amendment to eliminate this very discriminatory rule that says undocumented aliens who live in New York State and graduate from New York State high schools and file affidavits with the Immigration Department have to pay out-of-state tuition rates. That's an issue that a lot of your Haitian constituents care about, and I look forward to you joining us in that debate.

Senator Espada is the sponsor of the bill here.

And I think we need to have a little consistency, if not in the partisan nature of these bills, at least in our efforts to help immigrants.

ACTING PRESIDENT MEIER: Senator Schneiderman, I'm sorry, your vote was?

SENATOR SCHNEIDERMAN: I vote yes for Senator Balboni's bill.

ACTING PRESIDENT MEIER: Senator Schneiderman will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 50. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, there will be an immediate meeting of the Majority conference in the Majority Conference Room.

And upon the call, the Senate will stand at ease.

ACTING PRESIDENT MEIER: Immediate meeting of the Majority conference in the Senate Conference Room.

Senator Mendez, why do you rise?

SENATOR MENDEZ: Mr. President, there will be an immediate meeting of the Minority in Room 314.

ACTING PRESIDENT MEIER: Immediate meeting of the Minority Conference in its conference room.

The Senate will stand at ease pending the call of the Majority Leader.

(Whereupon, the Senate stood at ease at 10:57 a.m.)

(Whereupon, the Senate reconvened at 12:35 p.m.)

ACTING PRESIDENT FUSCHILLO: Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Finance Committee in the Majority Conference Room.

ACTING PRESIDENT FUSCHILLO:

Thank you, Senator Skelos. There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk that we could do at this time?

ACTING PRESIDENT FUSCHILLO: Yes, there is. There are a few motions at the desk.

Senator Leibell.

Senator Leibell, can you wait one second, please? Will the sergeant-at-arms please shut the doors on both sides of the aisle. Thank you.

Senator Leibell.

SENATOR LEIBELL: Mr. President, I'd like to call up Bill Print Number 2101, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number

164, by Senator Kuhl, Senate Print 2101, an act to amend the Highway Law.

ACTING PRESIDENT FUSCHILLO: Senator Leibell.

SENATOR LEIBELL: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FUSCHILLO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT FUSCHILLO: The bill is restored to its place on the Third Reading Calendar.

Senator Leibell.

SENATOR LEIBELL: Mr. President, I now offer the following amendments.

ACTING PRESIDENT FUSCHILLO: The amendments are received and adopted.

Senator Leibell.

SENATOR LEIBELL: Mr. President, on page number 5, I offer up the following amendments to Calendar Number 39, Senate Print Number 6043, and ask that the said bill retain

its place on the Third Reading Calendar.

ACTING PRESIDENT FUSCHILLO: The amendments are received and adopted, and the bill retains its place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: I just wanted to comment that was very well done, Senator Leibell.

SENATOR LEIBELL: Thank you.

SENATOR SKELOS: Mr. President, is there any other housekeeping at the desk?

ACTING PRESIDENT FUSCHILLO: Not at this time, Senator Skelos.

SENATOR SKELOS: Then we'll stand at ease, Mr. President.

ACTING PRESIDENT FUSCHILLO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 12:40 p.m.)

(Whereupon, the Senate reconvened at 1:15 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President,

if we could return to reports of standing committees, I believe there's a report of the Finance Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bills:

Senate Print 6250A, Budget Bill, an act making appropriations for the support of government, Legislature and Judiciary Budget;

6252C, Budget Bill, an act making appropriations for the support of government, Public Protection and General Government Budget;

6253C, Budget Bill, an act making appropriations for the support of government, Transportation and Economic Development Budget;

6254C, Budget Bill, an act making appropriations for the support of government, Health, Mental Hygiene and Environmental Conservation Budget;

6255C, Budget Bill, an act making appropriations for the support of government;

6257B, Budget Bill, an act to amend the Environmental Conservation Law;

6259B, Budget Bill, an act to amend Section 9 of Chapter 533 of the Laws of 1993;

6256B, Budget Bill, an act to amend the Education Law and the Executive Law;

6260B, Budget Bill, an act to authorize and direct the Comptroller;

And Senate Print 7431, by Senator Leibell, an act to provide a temporary retirement incentive.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills direct to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go back to the controversial calendar, beginning with Calendar Number 900, regular order.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 900.

THE SECRETARY: Calendar Number

900, by Senator Kuhl, Senate Print 2312A, an act to amend the Parks, Recreation and Historic Preservation Law and the General Municipal Law.

SENATOR DOLLINGER: Explanation, Mr. President.

ACTING PRESIDENT MEIER: Senator Kuhl, Senator Dollinger has requested an explanation of Calendar 900.

SENATOR KUHL: Thank you, Mr. President. I'll be rather brief in the explanation, because I don't think it really needs too much.

This is a bill that would authorize municipalities to create, quote, unquote, Adopt-A-Park programs. We in this state currently have a program which allows the adoption of pieces of highway by various civic organizations. This just mirrors that legislation that's already in place, but authorizes parks to be actually adopted by civic groups or other organizations.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Through you,

Mr. President, if the sponsor will yield to just one question.

ACTING PRESIDENT MEIER: Senator Kuhl, will you yield for a question?

SENATOR KUHL: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Through you, Mr. President. Senator Kuhl, this is a good idea that we adopt a park, much like they adopt a highway. But why is it a central or why is it necessary to include in the bill a waiver of liability for the acts of those people who are improving, altering, cleaning up municipal parks?

SENATOR KUHL: We have found, Senator, from past experience with the transportation program, that if indemnity is not included for those volunteers who go out of their way and contribute their time and services, that they just don't participate.

You probably have experienced and remember in your lifetime the experiences that we've had with organizations like the Little League and Boy Scouts and other volunteer

organizations where there's a service that's provided but it's very difficult to get people to volunteer their time as corporate officials, et cetera, because of the liability that they undertake, potentially, for something that really is of no wrongdoing of their own.

But that's what we have found, is that experience really has lent itself to limiting the availability of volunteers. And so we don't wish to punish somebody because they cut the grass in some park at 2 inches and a half when it should have been cut at 2 inches, and all of a sudden somebody trips on the length of the grass and they find themselves under a lawsuit.

So that's the reason why the indemnification is there.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Just one other question, if Senator Kuhl will yield. His answer brought up a question which I hadn't thought of.

ACTING PRESIDENT MEIER: Senator

Kuhl, do you yield for another question?

SENATOR KUHL: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Through you, Mr. President, Senator Kuhl, wouldn't -- under the circumstances of cutting the grass or other things, wouldn't the town or the municipality that owns the park indemnify the local Boy Scouts or the volunteers that are in the park?

I mean, wouldn't they be covered within the shield of the municipal liability?

SENATOR KUHL: Well, they might be, Senator. But as you know as a lawyer, the common approach is to shotgun everybody, you sue everybody.

And obviously, if that were to happen with this kind of statutory relief, it would simply take a motion to dismiss based on the statutory provisions that there is indemnification, and they'd automatically be excluded.

I'm not so sure, if your suggestion is that we eliminate this indemnification

clause, that it would not have to go to conclusion in a lawsuit and there be representation which incurs additional expenses on these individuals, who are essentially just trying to volunteer.

They want to, as you can see from the language of the bill itself, Senator - and I don't mean to backtrack from your question, but I'm just trying to outline to you the motivation for this is to utilize free volunteer labor to try to beautify the community.

You may remember President Bush - not George W., but George Herbert Walker Bush -- in his inaugural address talked about a thousand points of light. Well, in that, he was referring to a number of people in a community who would participate in a volunteer program.

And that's what this is meant to do, is to build on and make it easy for an individual to actually volunteer their time with no threat to them, if in fact they do something -- not intentionally, certainly, because that's a whole different issue, in

that intentional negligence would not be indemnified under this statute. But if they just were to, say, they forgot to lower the mower to 2 inches and they mowed it at 3 inches, well, should they be held accountable for that? The answer is no.

Because you always have the corporate responsibility of the town or whoever owns the park to actually hold to a certain standard. That has not changed in this statute. It certainly just indemnifies the individuals, the volunteers who participate in this very worthwhile program.

SENATOR DOLLINGER: Through you, Mr. President, just one other thing. I just want to make sure I understand one -

ACTING PRESIDENT MEIER: Senator Dollinger, don't promise anymore, please.

Senator Kuhl, do you yield for another question?

SENATOR KUHL: I think I'll answer this one with either a yes or no and maybe that will not kind of give Senator Dollinger some thought about another question.

So yes, I'd be happy to yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: You've referred a number of times to indemnity. This bill talks about immunity for them. Is that -- are we just -

SENATOR KUHL: I think it was just a question of semantics, Senator.

SENATOR DOLLINGER: I think you're right.

Just on the bill briefly.

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: Thank you to Senator Kuhl.

This bill, like many other bills that we've done, says that when not-for-profit groups are involved in providing public services, that they should somehow be exempted or immune from civil liability that flows from their conduct. As Senator Kuhl properly points out, simply for their negligent conduct. If they are guilty of intentional tort or reckless or otherwise outrageous practices, they would forfeit their immunity.

My concern is -- and it has been, I think, somewhat consistent -- that when not-for-profit volunteers undertake to provide services to the public, from the public's point of view, if they slip on a sidewalk that's cracked or if they go into a park and are running full speed and run into a stone, a boulder that's below the grass, they quite frankly could care less whether it's the municipality who provided the service or a not-for-profit group who actually undertook the care and maintenance.

Because from their point of view, they're hurt, they're damaged, they're injured in reliance upon the fact that this is public property and that they thought the public entity had an obligation to find out whether it was dangerous or whether there were risks in the property that they weren't aware of.

You think about the person playing flag football who trips in a hole, or whatever. They're relying -- from the public's point of view, they're relying on the integrity and the solvency of the public entity that owns the property and that has the

obligation to maintain it.

My concern is that when we invite not-for-profit groups in to provide those quasi-public services, like maintaining highways, like maintaining parks, that they should be held to the same level of liability in the laws of this state as the government that sponsors them or the government that allows them to come on the site.

So when we create immunity, when we say that you can do something but you are immune from civil liability, my concern is that we lower the standard of care, we lower the protection for an unsuspecting public that is out walking through the park, running through the park, playing in the park.

I think Senator Kuhl's bill does lots of good things. However, because it creates immunity for those who are undertaking quasi-public functions, I think that part of it, Mr. President, is misguided, and I'll be voting in the negative as a consequence.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Debate is closed.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect 180 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Excuse me. In relation to Calendar Number 900 -

ACTING PRESIDENT MEIER: Could we see the negative votes on this again, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 900 are Senators Connor, Dollinger, and L. Krueger. Ayes, 54. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1014, by Senator Larkin, Senate Print 6221, an act to amend the Real Property Tax Law, in relation to alternative.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT MEIER: Senator

Larkin, an explanation has been requested of Calendar 1014 by Senator Dollinger.

SENATOR LARKIN: Thank you, Mr. President.

Senator Dollinger, this bill was requested by the New York State Assessors Association to create a new system to address the problems that they have experienced statewide surrounding the assessments of large properties within counties.

It corrects the inequities that took place in the apportionment of school districts, special districts, county taxes, when the equalization rates are applied based on market value surveys conducted by the Office of Real Property Services of the State of New York, while the property assessed has a different value according to the local assessor.

This bill creates a special equalization rate for those counties to apply the apportioned tax following a calculation for large parcels owned by companies such as utility companies, large research facilities, and large tracts of timberland.

The problem is that the assignment of these parcels has made a difficult assessment for both the state and the local property taxpayers. The consequence is that under the current system, Richard, the average landowner can see their property's value year by year with no solution. And both the real property tax directors feel that this is a problem, and the assessors say the only way to do this is to do what we plan.

This bill solves the problem by establishing a way to segregate these parcels when determining the equalization tax rate for all other parcels. This will only occur, only occur with truly large parcels where there is a disagreement between the state and the locals as to the true assessed value.

Now, when you start to look at that piece of property that we're talking about, the parcel is deemed to be a large parcel if all of the following conditions are met: The parcel constitutes 5 percent or more or of the total assessed value to establish the state rate; the state assesses the property at $5 million or more; and the percentage

difference between the state and the local rate is at least 5 percent.

And the assessors feel that this is the key to solving this problem, which is occurring more and more throughout the state. And it's also occurring, Richard, on property that -- large, large tracts that comprise parts of more than one county.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Through you, Mr. President, if the sponsor will yield.

ACTING PRESIDENT MEIER: Senator Larkin, do you yield for a question?

SENATOR LARKIN: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: As I understand this bill, Senator Larkin, this says that in those unique, big parcels of property -- like, for example, the Xerox plant in Webster, which is a major portion of the overall tax assessment -- if there's a dispute between the value assessed by the local

assessor and the value assessed by the state real property tax people, what happens then?

I mean, there's a dispute, in essence, between the value of the assessed - the estimated fair market value between the local assessor and the statewide real property tax people. How is that dispute settled?

SENATOR LARKIN: The local assessor will be the beneficiary of this, Richard. As long as those three areas that we were -- said they had to be met, our local assessor's assessment will hold up.

SENATOR DOLLINGER: Okay. I think I got the answer I was looking for.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

The debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1182, by Senator LaValle, Senate Print 4287, an act to amend the Education Law, in relation to the inclusion.

SENATOR DOLLINGER: May I have an explanation, please.

ACTING PRESIDENT MEIER: Senator LaValle, Senator Dollinger has requested an explanation of Calendar Number 1182.

SENATOR LAVALLE: Very simple, Senator Dollinger. The purpose of the bill, and it's very straightforward, is to ensure that the SUNY trustees, the CUNY Board of Trustees, and the Board of Regents give a fiscal impact statement when resolutions are adopted or their rules and regulations are altered and amended.

I think we need to know what the fiscal impact is when we change the standards, for instance, just to pick one thing, what the impact will be on that change.

SENATOR DOLLINGER: Through you,

Mr. President, if the sponsor will yield.

ACTING PRESIDENT MEIER: Senator Dollinger.

Senator LaValle, do you yield for a question?

SENATOR LAVALLE: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Senator, I think this is a good bill. I simply want to understand to whom it applies.

It applies to the CUNY Board of Trustees, the SUNY Board of Trustees -

SENATOR LAVALLE: And the Board of Regents.

SENATOR DOLLINGER: And through you, Mr. President, if the sponsor will yield to one other question.

ACTING PRESIDENT MEIER: Senator, do you yield?

SENATOR LAVALLE: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Would you support including this concept in fiscal notes

that are done as part of state legislation, such as mandates to CUNY or SUNY or whenever we mandate that curriculums be changed? As we've debated on the floor of this about mandates and other things, oftentimes there are very unrealistic fiscal notes attached. They say the expense will be minimal.

And as you know, as an educator, the expense of redesigning a curriculum statewide can actually be very expensive.

SENATOR LAVALLE: Yeah.

SENATOR DOLLINGER: Would you suggest that this should be done as part of state legislation as well?

SENATOR LAVALLE: Senator, I think we have fiscal notes that are attached when we make a legislative change.

And I would tell you also that over the years many members have had bills because we often get, from the local government bodies, that whatever we do here is posing an unfunded mandate. And we have -- I know I have, and we've passed it in this house, that we should not have unfunded mandates.

And I think you also know, Senator,

you've served in this body, and the other members, that it really gets into a matter of semantics. We give X number of aid, and often we say, well, that money that aid can certainly go towards the funding of a specific mandate and so forth. And we get into the word game and we get into the blame game with this.

Here, however, what we are specifically trying to do, based on a number of cases where the appointed boards have put on our plate a mandate and then we have had to come up with the funding to fund those regulatory changes, the changes by resolution of various things -- and again, I use something that we all can identify with in this body, not to pick solely on the Board of Regents, but the standards is the most visible and troublesome one for all the members of this body and certainly the Assembly.

SENATOR DOLLINGER: Thank you, Mr. President. Just briefly on the bill.

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I'm going to

vote in favor of this bill.

I think Senator LaValle properly points out that -- I would have been fascinated to see the fiscal note that accompanied the standard imposition. Because as you and I have discussed, and a number of members in this chamber, the standards implementation, if we're really serious about it, is a multi-million-dollar expense, especially in those school districts, as you're well familiar, Senator LaValle, where standards compliance has been enormously difficult.

That the cost there, to be fair and apply across the board a standard for test scores, a standard for competence, we'd have to apply the same standard for funding, and that's an enormously costly expense. One that we're chipping away at -- at least from my point of view, not quickly enough -- but nonetheless started down the road.

I'll vote in favor of this bill, Mr. Chairman. I just -- my only comment to Senator LaValle is I know we do a whole number of bills here that have fiscal notes attached

to them where the fiscal note, in my judgment, is a not a realistic appraisal of the consequences of our actions. I think if we start by telling the regulatory bureaus and the Education Department that we ought to do it, it would make good sense.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

The debate is closed.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Duane, why do you rise?

SENATOR DUANE: Thank you, Mr. President. I'd like unanimous consent to be recorded in the negative on Calendar Number 900, S2312A.

ACTING PRESIDENT MEIER: Without objection, Senator Duane will be recorded in

the negative on Calendar 900.

Senator Andrews.

SENATOR ANDREWS: Thank you, Mr. President. I request unanimous consent to be recorded in the negative on Calendar 900.

ACTING PRESIDENT MEIER: Without objection, Senator Andrews will be recorded in the negative on Calendar 900.

Senator Skelos, that completes the controversial reading of the calendar.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up Calendar Number 1208.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1208.

THE SECRETARY: Calendar Number 1208, by Senator Leibell, Senate Print 7431, an act to provide a temporary retirement incentive for certain public employees.

SENATOR BRUNO: Is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR BRUNO: I would move that

we accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Supplemental Calendar 40A and go in regular order.

ACTING PRESIDENT MEIER: The

Secretary will go to Calendar 40A and read in regular order.

THE SECRETARY: In relation to Calendar Number 1199, Senator Stafford moves to discharge, from the Committee on Finance, Assembly Bill Number 9750A and substitute it for the identical Senate Bill Number 6250A, Third Reading Calendar 1199.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1199, Assembly Budget Bill, Assembly Print Number 9750A, an act making appropriations for the support of government, Legislature and Judiciary Budget.

SENATOR BRUNO: Is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR BRUNO: I would move that we accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Senator Bruno.

SENATOR BRUNO: Mr. President and colleagues, this is the first of what I believe will be 11 bills pertaining to we in this chamber passing a budget for the people of this state.

As most of you know, we have had a very difficult year here in New York State, as a consequence of 9/11, the recession that we were in, and having to contend with a deficit that's projected between this year and next year to amount to up to $7 billion.

But here today we are going to, together, adopt a budget that will amount to $89.6 billion that will be spent really on behalf of the people of this state in so many positive and productive ways. And the budget is prepared in a way that the revenue that is

created and the expenditures that take place call upon some of the reserves that we had, together with the Governor, put aside for such circumstances as exist today.

We had a reserve of approaching $5 billion. Much of that money will be helpful in accomplishing meeting the needs of the people this year.

We will have $14.6 billion in education as a consequence of what we do. That's an increase in operating aid of $610 million. That's on top of four record years for education for the people of this state.

Overall spending in this budget will go up by about 6 percent, and that's thanks to about $2.5 billion of federal money that passes through the state on behalf of our needs.

We have in this an early retirement plan that we just approved that will help people who want to leave government service, in the neighborhood of about 5,000 or 6,000 that we feel this will attract. It saves about $55 million in terms of the costs of

keeping people on the state payroll.

It does things like create about $1.2 billion in economic development funds to help stimulate the economy, help our businesses be competitive with other states, and help create jobs. Consequently, the revenue helps pay the costs of education, health care, and all of the other needs that we have.

It has a 3 percent COLA for the healthcare workers that were left out of some other good work that we did in HCRA.

It has $70 million in multimodal money for roads and for bridges that will be spent, which was primarily a Senate initiative.

There is $1.75 billion in general dollars that will be bonded out for roads and bridges in the mass transit part of what is happening here in the state.

We have the Liberty Zone money that will help in terms of the recovery down there in Senator Connor and Speaker Silver's district, and many of us that are relating to what is going on there in New York City. That

will be extremely helpful.

There are ten new Empire Zones that will be operative as a result of what we pass today. And that again will be of great consequence in creating jobs, in helping our businesses be competitive.

Accumulatively, there's about, with the federal pass-through money that has to do with the accelerated depreciation of about 30 percent, what will amount to about a billion dollars in tax relief in this budget consequently to the people of this state.

So we are -- and I'm going through, there's another piece in this that has to do with helping emergency relief people be attracted to that kind of public service. It will be a tuition program that will help attract people and retain them, such as we have done in the past for others. And we think that is extremely important.

Going through quickly some of the highlights, there are a lot of other good things that will be taking place as we talk about and debate. Have we done everything that everyone would like to have done in this

budget? Of course not. There isn't enough money, there are not enough resources in the world to do everything that everyone would like to have done.

What we are doing as a consequence of our actions here, though, will provide relief to New York City of up to a billion dollars in terms of what has happened there, with their $3.8 billion shortfall. Record amounts of school aid, as we have discussed.

This is a constructive, productive, responsible budget. And while we do all of this, we are reducing the general fund spending by a billion dollars, 2.6 percent. First time since 1995 here in this state.

So it's responsible, it's prudent, and it's responsive to meet the needs of the people here in this state.

So I thank my colleagues on both sides of the aisle, thank the staff people that have been working literally through the night for days, if not weeks, to help us get to where we are today.

And if our life goes as it should, hopefully this afternoon, in early daylight

hours, we will have completed a task that all of us can be extremely proud of.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Budgets of course are something that New York State has struggled with to get done on time for years now. The process this year frankly appeared -- while it still suffered from what the Governor characterized as three men in a room, it appeared to go much more smoothly in these difficult circumstances in which we find ourselves, yet we are a bit late.

And I suggest, Mr. President, that at some point -- and I know there have been various proposals -- we bite the bullet and adjust the fiscal year. Because it's just gotten to be in the best of times a complex process that perhaps the people who wrote - well, I know the people who wrote our budget process into the constitution could not have really contemplated how complicated and

detailed it would get and how large it would get. So I think under the best of circumstances, with a lot of cooperation, it still becomes impossible to meet that old April 1st deadline.

That said, there are certainly things in this budget that I could point out and say we didn't do enough. There are -- as Senator Bruno pointed out, there are always good things that just don't make it because you don't have enough resources.

I think in this year, with our crashing revenues, both for the economy and certainly the impact of September 11th is still being felt -- and if any who don't get to New York City, any of my colleagues who don't get to New York City frequently would go down there, you would see Lower Manhattan fighting to come back, people, small business owners and others working to rebuild.

But the fact is we're probably missing 150,000 jobs in those so many square blocks. And so if you're a small business owner, you just don't have the traffic, you don't have the volume. Even though you got

some loans to recover from the fact that your store or your shop was closed for a couple of months, now that you're reopened, you don't employ those three or four people that you used to employ in your delicatessen. The shoemaker down there, it's just the proprietor now where it used to be three or four people working there, because of the volume of people.

So we certainly miss those jobs that were there and the revenue they brought us in financial and other service industries. But we still have a lot of businesses down there. You know, there's some 14,000 businesses in Lower Manhattan that just, whether it's a restaurant or a bar or a shoemaker or a retailer, they're just not getting the volume of business. Which means they're not employing the number of people and they're not collecting the sales taxes and other revenues for the state. So we do suffer from that.

That said, I have to say I am voting for this budget because on balance, even in difficult times, this budget does

reflect what I believe the priorities ought to be.

I believe that no matter how limited your resources are, you have to work a budget to make sure you take care of New York's future and the future of our children. And their future is in education. The future economy of the state depends on our children's future in education.

And so the fact that in a very, very difficult year we were able to fund education at the level at which it's funded here -- certainly for New York City to avoid, I believe, given the cooperation of the mayor, avoid some very, very drastic cutbacks.

Mr. President, my own son, who's in public school, in his preregistration a couple of months ago was told: "Next year we may only offer six hours of instruction instead of nine hours." I mean, you know, when you're in school an hour is 40 minutes. But, you know, nine periods of instruction is kind of the norm. They were going to give six.

Hopefully we've avoided this. And that will mean something for all those kids.

And for the future, as we rebuild, as we rebound, we have to have that future there. That's the key to rebounding and rebuilding.

We've also, in this budget, Mr. President, I think kept some other priorities at the fore: investing in economic development, attracting businesses to New York, retaining business in New York, providing health care, maintaining programs for our elderly. In essence, Mr. President, reflecting the values that certainly we espouse and adhere to.

So I would look at the revenue side of this, Mr. President, and say it's a little raggedy in places. That's what has to happen in a difficult year. Yes, funds are moved around. Certainly every loose piece of cash sitting in a reserve fund is scooped up. But, Mr. President, it's scooped up for a good purpose. It's scooped up to get us through this year and still maintain our priorities and our values, still provide for education, health care and opportunity for New Yorkers, and provide for rebuilding our state, rebuilding Lower Manhattan, revitalizing our

economy.

So, Mr. President, I intend to vote yes. I encourage my colleagues to recognize the realities reflected in this budget, to recognize the values reflected in this budget, and vote yes.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I'm mindful of the comments of the Majority Leader and my good friend Marty Connor. But as I stand here today, I can't help but think that this is an opportune day to do this budget. There's a brand-new blockbuster movie called "The Attack of the Clones" that is opening in every theater across this nation. And, Mr. President, I'm here to announce that I can tell you what happens in the movie, even though I haven't seen it, because I have an experience with it right here. The answer is the clones win.

Because today we are cloning a budget process that we thought was a terrible idea six or eight years ago. We have cloned a

process that says we will abandon conference committees, we will abandon a process of talking about this budget in public before we're asked to vote on it.

And quite frankly the rebellion that started, that wonderful rebellion in which we were going to rise and somehow throw out the old process, throw out the old empire of secret, quiet budget negotiations, even though they may reach somewhat beneficial results, we were going to throw that process away.

Remember the rebellion? We were all part of the rebellion. It was wonderful. We sat publicly, we had some discussions about the budget process, about budget priorities. We talked about it in public. We had members of the minority and majority conferences. That was what the great rebellion, I thought, was all about.

And sure enough, what we find today is that the attack of the clones has succeeded. We have once again cloned a budget process that we all thought was a bad idea.

Lastly, Mr. President -- I'll again

be brief -- the danger of this budget is quite frankly, from my point of view, this is a dead canary budget. This is a silent canary budget.

You're all familiar with that old story of the miners throughout the early part of this nation; remember, they always kept a canary down in the bowels of the mine. And as long as the canary was singing, you didn't have to worry about the coal gas, you didn't have to worry about the danger of explosion. So long as the canaries kept singing, you could keep working in the mine.

Well, from my point of view, Mr. President, this is a dead canary budget. The canaries have stopped singing. If you look through this budget, you will find canary feathers everywhere, because it is not fiscally prudent. We are propping up in this mine, with very loose timbers, a budget structure, a debt structure, a future financing structure that is destined to come tumbling down.

The gas is leaking everywhere in the fiscal house of New York, and we who are

its decision-makers can't smell the gas.

My suggestion is, Mr. President, that the canaries have stopped singing throughout this state. The bodies are already lying dead in the canary houses, up in the birdcages, but we can't smell it yet. But the scent is unmistakable: fiscal tragedy, fiscal sacrifice of unparalleled proportions is going to be dictated by this budget.

For that reason, Mr. President, because the canaries have stopped singing in New York, I will not be voting for this or any other part of it.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I will be voting against this bill for a number of reasons. First and foremost, I suppose, is the fact that we received this bill today.

Senator Dollinger mentioned the fact that we didn't have conference committees. I think it's important for the

people of New York to know that there is no process where the Legislature is involved as a whole in the drafting of bills. And that is bad policy, and it is bad for the State of New York, and it is certainly bad for my constituents.

But specific to this bill, it also is very disturbing on one day's or even a few hours' reading to learn that while I am pleased that the number of people in New York State going to our prisons has decreased and thus we will be reducing the number of corrections workers by 983 workers and saving $51 million because of a drop in the number of people going into our prisons because of a drop in our crime rate, I don't understand why we'd still be adding an additional $30 million to the capital plan for prisons when we know that our participation rate is decreasing.

I'm also very disturbed that in a very difficult economic year, where we have to make hard decisions about what we're funding and what we're not, that we still decided to go forward with a $21 million new garage on Elk Street, or $89 million for the Alfred E.

Smith Building.

I find it hard to believe that without debate and information available to all of us that we might all think that that amount of money spent for those items, when we don't have money to ensure that our schoolchildren have schools to go to, that we're not addressing overcrowding, is a good priority of our money in this state this year.

And I'm particularly disturbed that this budget and this specific bill continues the unfair formulas that -

ACTING PRESIDENT MEIER: Senator Krueger, excuse me a moment.

SENATOR LIZ KRUEGER: Certainly, Senator Meier.

ACTING PRESIDENT MEIER: Can we have some order in the chamber, please.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I'm particularly disturbed about the funding formulas within revenue sharing and local aid within this specific budget bill, which continues a historical pattern of

cheating my city, the City of New York, out of its fair share of funding in the New York State budget.

Because the information we've been provided is misleading. It is not that the City of New York receives 58 percent of local aid assistance. That's only one specific budget item, revenue sharing. In fact, when you add up all of the lines within this bill for local government assistance, New York City receives only 36 percent of the funding - totally unrepresentative of the people of my city or the needs that we face.

In addition, it follows a historical pattern now of the last decade where my city has seen a drop of 32 percent of state aid as a share of the state budget for localities.

And so while I believe I may be voting no on other budget bills today, I needed to stand to explain my vote today on why there are specifics within this budget bill that are unfair, inequitable, bad choices for New York State's dollars in a tight economy, and in fact to share with everyone

the fact that this is no way to do a budget process, without conference committees, without an opportunity for legislators and the public to have a transparent opportunity to look at the budget before we go in and vote on it on the floor.

Thank you very much, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I'm voting against the budget today. And we'll have a number of budget bills, but I'm voting against them for pretty much the same reasons. It's really embarrassing, I think, on how our budget process works. It's still just three guys in a room cutting a deal.

When I first came here, the process of using conference committees started. I guess those days are gone. I guess we're not going to do conference committees anymore. So rather than expanding what it was that we started to do when we started to reform the process here, I guess that's now been totally

abandoned.

There wasn't even any discussion of conference committees this year. It's an absolute disgrace. An absolute disgrace. The conference committees as they were weren't that much to crow about, but they were better than the way this process is being done. And yet, rather than building on conference committees and trying to improve them and give them real meaning, they are now gone. Are they gone forever?

I don't really understand how we can accept that in this body. I'm not at all happy, and I can't imagine how anyone can be happy that we've gone back backwards on what the process is. No way for most of us to even participate in the process.

You know, though I heard on the news last night that all of this was being printed up, actually all of this was just placed on my desk. And I had a chance to be briefed. And I have to say that the staff of the Minority did a terrific job on briefing us in the short period of time that they had to go over this. For us to be able to pore

through all of this on less than an hour's notice is an absolute, complete and utter disgrace.

I don't think anybody doubts but that this budget is going fall apart, probably before the November elections. But we probably won't deal with the pain that this budget is going to cause until after the November elections.

With the ridiculous tax cuts that keep going, it's like the -- that Energizer Bunny. You know, those tax cuts just keep on going. We completely and totally cannot afford the tax cuts. We can't pay for the things that are in this budget.

There are several things, many things in this budget which I think are good. You know, the -- for instance, just to pick out one thing, there is additional money for AIDS services and AIDS prevention. But that had nothing to do with the Senate. That was all the Assembly that did that.

The Governor did baseline one small amount of a restoration which the Assembly has made year after year. But we get no credit

for the increased funding, AIDS funding. That's totally Assembly add-ons. It has nothing to do with us. Perhaps if that had been negotiated in a conference committee, we could have taken some credit for it. But we don't deserve any credit for that here at all.

That we will continue to enact tax cuts and spend irresponsibly is ridiculous and an embarrassment. We will be back here, I'm sure, after the November elections to fix the terrible budget which we're passing today.

I just -- I have to repeat that in terms of the process by which budget decisions are made around here, in the four years that I've been here we've gone backwards. And it's totally unacceptable. I think that's why we're going to have to enact term limits or something to change the way things are done.

I'm going to vote no on this. I'm going to vote no on each and every one of the budget revenue and expense budgets, both the language and the actual money parts of the budget. And I really think that we're going to have to hold our heads in shame on the way that this budget has been enacted today.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Debate is closed -- I'm sorry.

I'm sorry. I'm sorry.

SENATOR HANNON: I'll explain my vote.

ACTING PRESIDENT MEIER: No, wait a minute. Senator Hannon, I apologize. We have a list going, it's been pointed out to me -- and I'm discombobulated temporarily - Senator Mendez, and then Senator Marchi. If you wish to be added to the list, fine.

Senator Mendez.

SENATOR MENDEZ: Thank you, Mr. President.

I am going to vote in support of all the budget bills today. I think that the budget that has been crafted meets the needs not only of my constituents but of all New Yorkers in the City of New York.

It is the kind of budget that - the best kind of budget that within the circumstances could be devised. So that the philosophical question would be because we do

not like the process -- and I know that there are many Senators here, on both sides of the aisle, that they have qualms about how we arrived in New York State to a final budget.

The question is, then, should we vote against the budget because we do not like the process? Should we do that? Well, my dear ones, perfection only in heaven. And after September the 11th, after the economic loss that this state has suffered, I'll tell you, you have to be pragmatic and accept the real facts of life. Number one, the needs of seniors is being taken care of. There is monies for economic development. There is monies for health care, from children to seniors, in all stages of life.

So that I disagree with some of my colleagues that are so annoyed at an ongoing process. But the budget and the constituents, the constituents in New York State should not pay. Should not pay. We should not castigate them because the process does not fall with what we consider should be the process.

I vote yes.

ACTING PRESIDENT MEIER: Senator

Marchi.

SENATOR MARCHI: Mr. President, I'm -- this is my 46th straight budget that I will be voting on. And I'm very proud to have been part of this system all the way. Not only for the reasons assigned for supporting the bill, but also for the fact that there were some people who advanced their concerns. That's as it should be.

You know, the old Jewish law stated that if a vote was unanimous, that might have meant that something was missed. But here there surfaced some dissents, sincerely offered, I assume and believe. But in any event, I think added strength and resiliency to the notion that we knew what we were voting on, that we were doing our very best to meet our responsibility.

And this was certainly a dramatic reaffirmation -- not of a bad year, but it wasn't the most robust in view of the recent past. But we have met the challenge and we have enjoyed, I believe, what will prove to be the case in both houses, the support of the decisional instrumentalities that we have in

this state, Mr. President.

You know, anyone who spoke on this, whether you were against it or for it, served a very valuable purpose. So I congratulate those. They should also take satisfaction and joy out of the fact that they were part of a process that brought us to view this budget.

Now, I've seen them all, and I've been around the country. I've been on the executive committee of the Council of State Governments since 1965. There isn't a state that I haven't seen or a set of circumstances that I haven't encountered -- or meetings in the White House, when we had to plead very special circumstances for the circumstances that we faced here in New York City especially.

And again and again, that faith has been justified. We can be proud of what we are doing. And whether you're voting for or against, the very fact that some of you articulated concerns is not a bad message. It just exalts us to keep our best efforts and our objectives in line.

I've watched with genuine

appreciation our Majority Leader in answering press calls and other venues that sought explanation. And he gave very detailed and reasoned responses to all of their earnest questioning. That's a process that I can respect.

Is there anything better on the face of the earth? I don't know. But in the United States of America, I believe that we can walk out of here with great pride and take adequate satisfaction from the fact that we have addressed these things.

And this goes to the credit of everybody mentioned here -- the people who helped so much in a very technical way, the very important facts that sustained the staffs, that sustained the reasoned process that undergirded the entire drama and odyssey of developing a budget of this dimension, meeting the tailored needs of the greatest state in the United States. And one which I think in the eyes of objective observers will say A to the process and certainly an A-plus to the fact that it engaged the total constituency that was making the decisions.

So I'm very proud at this stage of my life -- how many I have left, I don't know. But I am proud to have this day. This is a great day for all of us. There's no one here, no matter how you're voting, that should shrink away from the joy that comes from participating in an effort such as this.

So God bless you all, and may it always continue.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I certainly appreciate Senator Marchi's words, and I'm sure he will be with us for a long time to come.

I share the concerns some of my colleagues have raised regarding the process of the budget. However, I do think this year we can claim credit for having made significant improvements on the budget as proposed by the Governor.

We are facing severe crises in several areas in my district -- in education, in the need for environmental cleanup and

funding of environmental programs, in housing and mass transit. And while this is a long way from perfect, I do think that we have to recognize that the Legislature has made major improvements on the proposals submitted by the Governor in many, many areas.

The one aspect of this budget that will come up in a later bill that I cannot support is the I believe overly optimistic, if not completely deceptive legislation we're to pass today regarding revenues. There is not enough money in this budget to pay for the programs we are funding.

I favor funding these programs. I favor expanding these programs. But if we're going to do it, let's tell our constituents the truth: we have to raise revenues. And we can do it smart, or we can do it stupid. Ten years ago when the State of New York or 12 years ago when the State of New York ran out of money, we did it stupid. And that brought us things like the hotel room tax, the lubricating oil tax, fee increases on subpoenas, marriage licenses, license plates.

The way to deal with this issue is

to recognize we have a temporary deficit that can only responsibly be decreased by a temporary increase in broad-based taxes. That's the right tax policy, and that is the only way we are going to address the needs of our constituents without engaging in fiscal chicanery.

There is not enough money in this budget to get us through the year. And I urge all of my colleagues that it's time to look in the mirror and start thinking about telling our constituents the truth.

Jokes sometimes reflect the thinking of a lot of people on issues better than serious commentary. And one joke that I will share with you that I have heard today, and repeated, is that when it came to the revenue part of this budget, we understand you tried to get Arthur Andersen to certify it, but they said "Even we have some standards, we can't really do that."

So let's not make ourselves a joke. Let's be honest about the revenues in this budget. I support the programs and the restorations that we've managed to get, the

Senate and the Assembly together. I cannot support the revenue proposal. I think it's a sham.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

You know, the budget process is not a perfect process. There's no perfect formula at a point in time that you can do that says unanimously that this is the way to go.

When I travel throughout the United States and visit people in other states and you mention you're from New York, there's a feeling of sympathy, there's a feeling that they know that we have been hurt badly. Our state has been hurt more than any other state in the United States. We have a fiscal crisis because of 9/11.

Now, how do we take care of this crisis? We can either control the fiscal crisis or let it control us.

Now, we have a Governor who for seven years changed the way we did business

from 1993 and before, and it was tax-and-spend policies. That is, I'm hearing from some of the people on the other side, what we should embrace to get us over this temporary hurdle.

But that's not the way the Governor has elected to go. And that's not the way this Legislature has elected to go on both sides of the aisle in the Assembly and the Senate.

What am I talking about? I'm talking about, one, a billion dollars in tax cuts, because it's worked prior to 9/11. It's worked. We then, in addition, are going with the Excelsior program, increasing it a hundred million dollars. What is that? That is a fund where we keep the interest rates down for small businesses to access capital so that they can survive or expand.

We have over a hundred thousand jobs lost in the city. Our tourism is down 5.4 million in New York City. We shouldn't be taxing the people more. The needs out there are greater now than they were before 9/11. Mass transit, the environment, the economy - those needs were great then and they're even

greater as a result of the terrorist activity. They hurt New York more than they ever dreamed they could hurt New York.

So how do we collectively come together to help the people? We stepped up in three areas. We stepped up in homeland security, with public safety. We had no choice. We've got to protect our people. We stepped up on health care, in strengthening the hospitals, the nursing homes, the healthcare workers. This is what we've done collectively. And we've stepped up to help education.

Is it enough? Could there be more? Absolutely, there could be more. There's an insatiable need to always do more in government. But we try to balance limitations. We manage the state system. That's what we do. And this moment in time, today, we make a judgment. This is the budget that we're going forward with.

And in addition, we have the GE*NY*SIS program, $225 million, which we want to do economic development, high-tech jobs. The Empire Opportunity Fund, $50 million. We

are making an investment. That's our game plan: create economic vitality, hope that we get out of a depression in New York, hope that the recession gets better, hope that the private sector comes back and gives us the revenue we will want to meet our needs.

Now, let's say the doomsayers are correct; six months from now, a year from now, we came up short. We will take a snapshot then and we will do what we have to to meet the needs of the people.

So that's all we are we are fallible, we make human judgments, we do the best we can with the facts that we have. And our choice was to take care of these three areas: Health care, public safety, and education. Mostly everything else is flat. We're reducing the state payroll by roughly $55 million. We hope to be 5,000 less -- not in a painful way, in a voluntary way.

And I think -- I'm voting for this budget, as well as the rest of them, because I think under the circumstances we did the best we could to meet the needs of the people. I congratulate both houses that worked long and

hard under very difficult circumstances.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Stachowski.

SENATOR STACHOWSKI: Briefly, Mr. President. I'm rising to support my leader, Senator Connor, and the others that are going to vote for this budget.

Is it the best budget we could do? I don't know. But it's the budget we have. And I think it's the best one available at this time. Are there certain areas that could be a little better? Maybe. Do we like to increase fees? No. But you have to pay for the things that are necessary. To get money for education and economic development and health care and senior programs, the money has to come from somewhere. And dealt the hand that we have, this is about the best we can do, I think.

So with the fact that this is the budget we have, I'm going to support it. I think that Senator Connor and his remarks put out all the reasons why I'm supporting it. I think that he covered the bases on the fact

that a lot of our values are in here.

Could it be a little better? Yes. But did we ask for September 11th? No, we didn't.

So for those reasons -- and as we get into different bills, if there's something else to mention, I'll mention it then -- I'm going to vote along with Senator Connor and support this budget and hope that it will be the best package for the people of the State of New York.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard?

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: After this group of eloquent speakers and everything being explained so well, I would only say, because I feel that my silence might indicate otherwise, it's a good budget.

(Laughter.)

ACTING PRESIDENT MEIER: Any other Senator wish to be heard?

The debate is closed.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Hannon, to explain his vote.

SENATOR HANNON: Thank you, Mr. President.

I want to address myself to a couple of points. People can have differing points of view, but when they get into factual errors, I think they need to be clarified.

We looked at a lot of different things in the health budget, and I think there's a number of different formulas. And I believe that each one of the formulas that are reflected in this budget equally treat the needy parts of this state, whether it's the city of New York or whether it's the most sparsely populated county.

In addition to that, I heard mention on this floor of the funding for AIDS treatment. First of all, we continue the

funding for the AIDS Institute at over $110 million.

And, second, someone said, Well, the Senate didn't have any part of that. That couldn't be more factually inaccurate. We advanced many additions. There are members throughout the conference who reflected concerns. From the end of Long Island to Buffalo, the city of New York, all five boroughs, we advanced restorations of the community funds and targets including specifically something I know that didn't come out of the Assembly, communities of color.

I think we've done a good job. I think we have done a good job with the revenues available. I think it's always a continuing challenge. And I'm happy to vote for this in budget.

ACTING PRESIDENT MEIER: Senator Hannon will be recorded in the affirmative.

Senator Padavan, to explain his vote.

SENATOR PADAVAN: Yes, Mr. President.

In explaining my vote, I'd like to

respond briefly to a comment made earlier by one of our colleagues relevant to that portion of one of the budget bills that relates to education aid for the City of New York. That member could not be more incorrect in categorizing this budget as it relates to state aid education as it relates specifically to the City of New York.

We are providing $163 million more in direct formula aid for the City of New York. In addition, we're providing some $480 million in prior claims money, along with a number of other initiatives that will help the City of New York.

When you look at the budget that we now have before us and you look at the number of children in the City of New York as compared to the rest of the state, we are indeed getting that 37 percent.

Is it enough to meet all the special needs? No, it is not. Does it meet specifically the mandates of Judge DeGrasse in the Campaign for Fiscal Equity case? No, it does not. But it is a major step forward. Particularly, as one of our other colleagues

commented on, when you looked at the original budget presented to us in January.

About an hour ago I received a phone call from the Chancellor of the City of New York in which he said he was very grateful for what all of us were able to do in this budget for the children in the educational system that he runs.

This budget should and will provide the resources to settle the teachers' contract. It will and should prevent any reductions in classroom resources, including teachers. If you look at it in view of everything else that's been said and everything else that we've been dealing with in the state, and in the city of New York in particular, from the point of view of education and our children this is a good budget.

I vote aye.

ACTING PRESIDENT MEIER: Senator Padavan will be recorded in the affirmative.

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Thank

you, Mr. President. Just briefly.

I was not here for other budget processes or attempts to talk about how this budget was going to be done. But I have been here -- this is my second budget. And I guess my concern is reflected in my own personal desire, as it is of my colleagues, to have a more active role during the budgetary process than we have.

Having said that, however, and understanding many of the constraints, as I have had a very brief opportunity to look at this budget and try to digest it -- and we will have to continue to do that even after we've passed it -- I have to say to you that in many ways I have a better sense of satisfaction for this year's budget, given the concerns and the constraints and the changes that have occurred particularly in the state of New York since last year; i.e., September 11th.

We know that there is never going to be enough money for all the needs of the people that come to the shores of New York. We are an open city, and we welcome everyone

to come. And in the process of doing that, we encourage and invite people who bring a variety of social needs that we attempt to meet.

And for many people who don't travel outside of this state and don't have a sense of how other states do not respond at all to the social needs of its community, they need to do that a little bit. Because for all of the complaints and concerns that we make, and many of which are totally legitimate, the State of New York makes the greatest effort to respond to the social conditions of the people who live within our boundaries.

Would I like to see more money in housing? Absolutely. Would I like to see a great deal more money in education? No doubt. But I think that we have come closer this year to having a dialogue that represents the needs of our people better than we have had, certainly than we did in last year's budget.

So I support it with all the reservations and concerns, but support it I do.

Thank you Mr. President.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson will be recorded in the affirmative.

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

You know, I always hate to be lectured about things. So -- and as I say, I can't tell you exactly which page the AIDS funding is in here. I did send a letter to Senator Hannon, along with Senator Dollinger, regarding AIDS funding. I can't say I got an answer to my letter. Maybe Senator Dollinger got an answer to it. But that's what stinks about this process. If that is the case, I don't know that. Nobody told me that.

FYI, I am a person living with HIV. I have a very high incidence of AIDS in my district. I was not informed about this. The only additional money that I see in here, aside from the making home care and adult daycare AIDS facilities, the employees, eligible for COLAs, is additional money which I was under the impression the Assembly put in. And I know I'm talking up time, but, you

know, it's hard for me to find -- it's a total of $5.3 million, of which $500,000 is for communities of color.

Now, everything else in the budget dealing with AIDS is exactly what the Governor put in. I don't think that we deserve to get a lot of credit for restorations. We wouldn't have had to have cuts in the Executive Budget if we hadn't enacted tax cuts. There would be enough money for actual increases.

But I would love to know exactly how much of the $5.3 million of new money is because of the work of the Senate. Maybe it will come to me in an answer to my letter. Maybe it can be done in a meeting. But what stinks about this process is that I don't know. I'd like to know that; I don't know that. There was no conference committee meeting where that was discussed.

So I'm not going to apologize for anything that I might not have known about because the process stinks.

I'm still voting no, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane will be recorded in the negative.

Senator Malcolm Smith, to explain his vote.

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

I guess we all can agree that this has probably been one of the most unprecedented periods in our life and probably will be recorded as one of the most difficult budgets that we ever put together.

There are some very interesting parts of this budget that do some very good things. And clearly, as some of my colleagues have said, there are some things that we would like to add on.

But let me just say, in terms of process, what I find interesting is there's probably not one person sitting in this chamber, at least that is elected, that did not have to go through some rigorous process in terms of being elected. And I believe when they got elected it was not handed to them. I believe they had to fight, they had to scrap, they had to try to negotiate between a number of individuals to recognize their position and to get them to support their position.

Well, I dare to say, Mr. President, that that is similar to what happens here. Notwithstanding whether or not there were conference committees or conference committees should have been held, the bottom line is in order for you to have something done in this chamber, you have to inject yourself into the process.

I myself have been here for a couple of years and I will tell you, Mr. President, I have injected myself into this process. And I am very pleased at some of the things that I've been able to accomplish in this particular budget. I'm not going to go through the litany of them, because that's our particular business individually as we represent it.

But the bottom line is if, in fact, you want to accomplish something in the process as it stands, then you have to be a part of the process. And the process is simply this. When I was growing up, my father used to tell me always you cannot hit a boxer by being outside of the ring. If you want to hit them, you have to be inside of that ring.

Whether you tag them once or twice, he is going to ignore you if you are outside of the ring.

The bottom line is, we all have the opportunity to be in the ring. The question becomes what do you do when you're in there. Do you sit in the ring and watch somebody dance around and you complain about how they dance, or do you try to follow them around and from time to time tag them so they know that you are in the ring?

Well, Mr. President, I have taken the course of being in the ring. And I will consistently try to tag the person in the ring, whether or not they're the champion or not, because I know as long as I tag them from time to time, I will get some results. Which I have gotten.

And I will be supporting this bill.

ACTING PRESIDENT MEIER: Senator Malcolm Smith will be recorded in the affirmative.

Senator Balboni, to explain his vote.

SENATOR BALBONI: Mr. President,

the members of this body who are voting against this particular bill and the budget bills to follow by saying that it somehow does not do enough, it does not take into account the needs of the state and is filled with fiscal gimmickries, have the benefit of being able to make those remarks because of the work that has been done over the last seven years.

It is time to acknowledge the fact that with the ascendency of Governor George Pataki, working in partnership with this house, the reserves were built up to unparalleled levels. Never before in the state's history have we had the luxury to weather this type of a storm. And it was done through great cost and great concern. Debates outside this Capitol, thousands of people marching, saying that we had to spend more and we should not put money aside. But we did. Thank God we did. For if we had not, we would not be able to have this budget.

And for many of my colleagues that are newer in the chamber, I assure you this was something that was done at great cost, but was very important. I vote aye.

ACTING PRESIDENT MEIER: Senator Balboni will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1199 are Senators Dollinger, Duane, and L. Krueger. Ayes, 55. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Yes, Mr. President, I would like unanimous consent to be recorded in the negative on Calendar 1182.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendar 1182.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I would request unanimous consent to be recorded in the negative on Calendar 900, Senate 2312A.

ACTING PRESIDENT MEIER: Without

objection, Senator Schneiderman will be recorded in the negative on Calendar 900.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. I too would like to be recorded in the negative on Calendar 1182, Senate 4287.

ACTING PRESIDENT MEIER: Without objection, Senator Hassell-Thompson will be recorded in the negative on Calendar 1182.

Senator Paterson.

SENATOR PATERSON: Mr. President, with unanimous consent I'd like to be recorded in the negative on Calendar Number 900.

ACTING PRESIDENT MEIER: Without objection, Senator Paterson will be recorded in the negative on Calendar 900.

The Secretary will read in regular order.

THE SECRETARY: In relation to Calendar Number 1200, Senator Stafford moves to discharge, from the Committee on Finance, Assembly Bill Number 9752C and substitute it for the identical Senate Bill Number 6252C, Third Reading Calendar 1200.

ACTING PRESIDENT MEIER: Substitution ordered.

SENATOR PATERSON: Explanation, Mr. President.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1200, Assembly Budget Bill, Assembly Print Number 9752C, an act making appropriations for the support of government, Public Protection and General Government Budget.

ACTING PRESIDENT MEIER: Senator Bruno.

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

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR BRUNO: I would move that we accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those

opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

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

ACTING PRESIDENT MEIER: Senator Dollinger, why do you rise?

SENATOR DOLLINGER: An explanation, I think, was requested.

ACTING PRESIDENT MEIER: Senator Stafford, an explanation has been requested by Senator Paterson.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Mr. President, this is part of the budget that provides for funding public protection.

And we certainly all want public protection. It is very serious. It provides the necessary appropriation for funding the

agencies charged with funding state services and with protecting the health and safety of New Yorkers.

Included in this appropriation bill is $20 million in funding for a new local wireless emergency 911 program. Also included is $96 million -

ACTING PRESIDENT MEIER: Excuse me, Senator Stafford.

Senator Paterson.

SENATOR PATERSON: Mr. President, the explanation is satisfactory.

SENATOR STAFFORD: Thank you.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I believe there's an amendment at the desk. I'd ask that the reading of it be waived and I be allowed to be heard on it.

ACTING PRESIDENT MEIER: The amendment at the desk. The reading is waived and you're recognized for the purpose of explaining the amendment.

SENATOR DOLLINGER: Thank you, Mr. President.

This is an appropriation to do several things that affect the community of Monroe. It includes about -- approximately five specific items.

One is a $30 million appropriation for the Rochester City School District. This has the effect of repealing the transition aid cap as it affects the city that I represent.

As I've been here on this floor before, I've asked this body to eliminate the transition cap, which prevents urban school districts from receiving the proper amount of money that they would otherwise receive under the formula.

Rather than seek to repeal the transition cap, which has not been approved before by this house, this seeks an additional $30 million to go directly to the city school district.

Secondly, it requests $500,000 to the Hilton Central School District, which I currently represent a portion of. That money is to restore money that they lost because in a cost-cutting move they tried to move students out of BOCES and back into the school

district. As a consequence of reducing their BOCES costs, through the formula they've actually been punished by a reduction. They're the only school district in Monroe County that actually experiences about a $600,000 loss in funding under the formula.

Third, it adds $10 million to the Division of Human Rights budget so that we can clean up what everybody admits is a disgraceful backlog.

Fourth, it adds $50 million to the Department of Health to give grants to landlords for lead paint abatement. A raging epidemic in urban communities, especially the city of Rochester, lead paint poisoning continues to damage the potential of our children. Ralph Spezio, from School 17, describes it as the hidden monster robbing children of their potential.

And the last, Mr. President, is a $5 million appropriation to Monroe County to increase subsidies for daycare. They were cut this year. This money will restore childcare after January 1st for mothers and children and families that are within between 150 and

200 percent of the federal poverty limit.

I commend it to the house, and I would ask my colleagues to support it.

ACTING PRESIDENT MEIER: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much on, Mr. President.

At least one part of these amendments, one of the amendments, the amendment involving the Hilton Central School District, let me say I was a little surprised to read this amendment, since I represent the village of Hilton and the Hilton Central School District.

And today I did what Senator Dollinger, I think, did not do. And I sort of wondered why he did not do that. That was to contact -- because when you look at the school aid run, Senator Dollinger is correct in one part, in that the Hilton Central School District does stand out as having lost a substantial amount of state aid this year when everyone else seems to be going up. So you have to wonder why did that happen.

Well, I had my staff of course

contact the Senate Education Committee, under Senator Kuhl, and the director, and we did - we reached out to the superintendent of schools, Dr. John Cooper, and went over each and every line here and found out that of course there is some building aid that's being lost, because the building projects are complete.

There certainly is some BOCES aid being lost, because the Hilton Central School District, at its option, moved some programs out of BOCES back into their own district. And they lost transportation aid, and we think it's because -- or at least the superintendent speculated it was because they had paid off some transportation bonds for new school districts.

Actually, the Hilton Central School District, with the stabilization grant that is included in this budget of some six hundred and twenty -- almost $625,000, is going to be receiving more money.

So why is Senator Dollinger wanting to take $500,000 from any monies from the general fund? I don't know where Senator

Dollinger wants to take that money from. He doesn't specify that. Perhaps a social services program from the city of Rochester or something like that.

What this is really about, Mr. President, is political pandering and reapportionment. Senator Dollinger is going to be running in this portion of the district, if of course these new lines are upheld.

Let me say that I have worked very closely with the superintendent. And it's unusual for a superintendent to tell me that he's happy, once you go over it line by line with him, that he's very satisfied with the allocation he's getting from the State of New York.

And then to see an amendment to basically take $500,000 away from some very worthy program, maybe in the city of Rochester, and give it to a school district, which I'm -- hey, any school district is going to tell you, you know, "We can use more money" -- but a school district that really doesn't need it at this point and is quite satisfied with the allocation that they got.

So I want to say I'm aghast at this shameless political pandering by Senator Dollinger. I'm somewhat hurt -- Senator Dollinger has stated, in many of his last five press conferences, that he's friends with everybody. I'm stunned that my friend would do this to me, Mr. President.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: With all due respect to my friend Senator Maziarz, I happen to represent part of the Hilton Central School District. I called and talked to the superintendent, and I called and talked to the financial director.

I went over the same information, Senator Maziarz. And I don't know where you got yours, but that's what I was told by Steve Ayers and by the superintendent.

And frankly, for someone to stand there and say this is political gamesmanship on my part because of reapportionment -- I represent the school district. I would suggest, Senator Maziarz, I don't stand here and say everything you do for your district is

political gamesmanship. I'd say that that's your advocacy.

I'd say Senator Balboni, in all of our discussions about tax exemptions in his district, I don't accuse him of political gamesmanship. I think that's what he's doing for his district.

But when I stand here and try to do something for mine, the only way I can do it, because I got the budget an hour ago, to put an amendment in place to try to change the process, you accuse me of political gamesmanship?

I would suggest, Senator Maziarz, as my friend, you ought to look into that mirror. They ought to put up a mirror on that side of the aisle and look at political gamesmanship, which started, some say -- I don't say this, Senator Maziarz -- with the reapportionment plan that you approved, that the gamesmanship started then.

The games began then, Senator Maziarz. I'm just playing the game, so to speak. I would say it's your game. I'm trying to play.

SENATOR MAZIARZ: Mr. President.

ACTING PRESIDENT MEIER: Senator Maziarz.

SENATOR MAZIARZ: Oh, I'm sorry, was Senator Smith ahead of me on the list? Oh, I'm sorry.

ACTING PRESIDENT MEIER: Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

I'm glad that Senator Dollinger admits that this is nothing more than political gamesmanship. I didn't -- I don't know how much of the Hilton Central School District or how many students that live in Senator Dollinger's current district attend the Hilton School District. I can tell you, though, Mr. President, I'm sure it's a very small number compared to those who live in the town of Parma, where I currently represent.

And I just don't think that we should take $500,000 from any monies in the general fund without specifying where they should come from to give them to a school district where the superintendent told me,

Senator Dollinger, not more than one hour ago, that after having looked at all of this that he was satisfied.

Particularly since it is -- and I'm looking at this very quickly -- the only school district on the west side of Monroe that is getting a stabilization grant in the amount of $622,000.

SENATOR STAFFORD: I didn't get one of those.

SENATOR MAZIARZ: Senator Stafford claims he is -- not one district in his very large Senate district received one of those.

So for the record, Mr. President, I'm extremely gratified that Senator Dollinger has admitted to exactly what this is, political pandering.

Thank you.

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

This is political. Everything we do here is political to some extent. And I

think that we should get that on the record.

But sometimes things go to the stratospheric level of political. And just a couple of weeks ago, when some of us were working very hard on trying to pull the City of Rochester School District out of a financial crisis that was self-imposed by one party that has been ruling the City of Rochester and that has been ruling the City of Rochester School District for far too long, there wasn't anything political about our efforts to bring what has now, in this budget, produced $20 million of additional aid to the City of Rochester School District.

There was a concerted effort on both parts of the political spectrum to do what we could do, recognizing what the City of Rochester School District -- again, one party -- and the City of Rochester government -- again, one party -- had done out of complete and total ineptitude and inefficiency, which was to produce a deficit that had been unheard of before.

But here in Albany and back home, those of us who were responsible in our

efforts to produce this additional $20 million were successful. The reason that we were successful is that we were not trying to grandstand on an issue that is far too delicate and far too meaningful to the taxpayers of the City of Rochester, which I also represent.

Senator Dollinger and I go way back to the Monroe County Legislature. We're good friends; we will continue to be good friends. But honestly, when I saw the news media showing that the Senator was promising to deliver $53 million when the state is in such a stretched condition to provide money not only from Rochester, Buffalo, some of the other schools -- a $53 million promise that was not only hollow, not only what Senator Maziarz would describe as political posturing, and what I would agree with Senator Maziarz on -- is that some things are not totally possible.

We would all like to have more money for things in this budget. But we work together. I don't remember having the opportunity to work with Senator Dollinger on

providing the $20 million that we have provided, $6.1 million for full-time kindergarten, an initiative that came from this Senate on behalf of the city of Rochester.

You might remember not too long ago that I said when redistricting occurred and I was able to take on a large number of people that live in the urban core in the city of Rochester, I said that I would work very hard to serve their needs, just as I did to serve the area that I lost.

There's $20 million that's in there now for the City of Rochester that's part of that promise, part of that effort. And I think that when we're making promises on television, when we're making promises in the news media, when we stand up after the fact and try to make amendments that are nothing more than hollow gestures for the pure purpose of political posturing, then we're doing no good to anybody.

What does good is the kind of efforts that have gone on in the last month or so with members of the Assembly Ways and

Means, the Senate Finance Committee, the Second Floor, with members of the Senate and the Assembly who represent the Rochester, Monroe County area, to protect full-time kindergarten, to grant more money for support aid, to get more money from an effort that Assemblyman Gantt and I initiated, as a legislative initiative, to bring $10 million more into the city of Rochester -- all of which totals up to nearly $20 million for a school district that was let down by the city of Rochester and its Democrat mayor and its Democrat board, the city school district that was totally Democrat for far too many years, one-party rule that hid a deficit.

That situation was resolved by good faith and bipartisan efforts between members of the Assembly and this Senate. And yet now that one-party rule that has nearly devastated not only the city of Rochester, which has pulled out money from the city school district, at the same time assailing its management, and the city school district itself -- working within such a crisis mode, we stand here at this hour with some very

good, well-meaning, hard work delivering $20 million to the city school district.

And we have an amendment before us which, as we know, is impossible to deliver but is being delivered anyway in a fashion that I think is meant only to garner headlines.

I'm proud of the work that we did on a bipartisan basis with the Assembly, with the Senate, with the Governor's office, to pull the City of Rochester School District out of what was surely a crisis and what could very easily be a crisis next year. And next year we can't afford to reward inefficiency. And this is a clear warning to the city school district today that this might not happen if they can't get their act together.

But at least we have to help them today. We have done that. Let's not make hollow promises. Let's not make people think that we could have done more, when we did more than maybe we should have done but we did it anyways. Not to help the city school district and its members, not to help the mayor and the city board, but to help the kids that have

been underserved by an inept school board and by an inept city administration.

ACTING PRESIDENT MEIER: Those Senators in agreement with the amendment please signify by raising your hands.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Connor, Dollinger, Duane, Gonzalez, Hassell-Thompson, Hevesi, L. Krueger, Mendez, Montgomery, Onorato, Paterson, Schneiderman, A. Smith, M. Smith. Also Senator Stachowski.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I believe there's an amendment at the desk. I would waive its reading and request that I can be heard on the amendment.

ACTING PRESIDENT MEIER: The amendment is at the desk, the reading is waived, and you are recognized to explain your amendment.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

This is an amendment that has three

components. And after the colloquy that just took place, I want to emphasize something as I request your support for this amendment.

As Senator Marchi so eloquently stated, this is an interactive process. We all play a role in this process. The debate over this year's budget is far from over. And anyone who doesn't think we will be back to do more work on this year's budget, Senator Connor has a bridge in his district he would like to talk to you about buying.

We have to continue to raise issues that are critical to our constituents, and this amendment raises three such issues. This amendment, first of all, would add $30 million to reduce overcrowding in New York City schools.

I appreciate that we're in difficult fiscal times, but we cannot allow another generation of children to be inadequately educated if we truly care about the long-term economic growth and health of our state. In my district we have kids learning in trailers, we have kids learning in halls. We have got to address this issue -

if not today, when we're back to do more budget work later.

But I would strongly urge support for this amendment so that we could add some funds to deal with the severe overcrowding of our public schools.

The second portion of this amendment would provide $20 million for urban open space preservation and urban land acquisition. It is really -- we talk about discrimination against about the city of New York in school funding and in transit funding. It is not as widely known that we have a severe problem of discrimination in funding of environmental programs.

Although New York City has 40 percent of the state's population, we receive just 23 percent of Environmental Protection Fund and Bond Act funds for acquisition. This is the latest dates for which my information is available, 1996 to 2000.

We have to deal with the environmental crisis in our city. We have asthma rates that are far beyond any level that should be acceptable to anyone here. And

I respectfully submit that in many of my colleagues' districts in other parts of the state, if you had those sorts of asthma levels, you would be standing up with me trying to push for more funding as well.

The final provision here would correct what I believe is a very, very severely misguided policy that will have a devastating impact on many students in the state and I believe also on the long-term economic health of the state, which requires a well-educated workforce.

This would reverse a recent determination that requires undocumented aliens who are New York City residents to pay out-of-state tuition at the rate of out-of-state students in our public universities and colleges.

This is a severe problem. This will throw many, many people out of college. And as Senator Balboni stated earlier, we have to do whatever we can do to bring our new arrivals to bring our new immigrants into the system, to help them become productive members of our society. That's what they want.

That's what we want.

This new policy is moving us in the wrong direction, and this amendment would reverse it. Senator Espada has sponsored a bill that would do the same thing. I think it is very, very important that we deal it with it this session, and that is why I am placing it in an amendment.

I urge all of my colleagues to vote yes for these extremely modest additions to the budget. And I don't really think that anyone who represents the city of New York would disagree with me on the necessity of all three.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Those Senators in agreement with the amendment please raise your hands.

Again, I'd ask Senators to keep your hands up so that the Secretary can record.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Connor, Dollinger, Duane, Gonzalez, Hassell-Thompson, Hevesi, Kruger, Mendez, Montgomery, Onorato,

Paterson, Sampson, Schneiderman, A. Smith, and M. Smith.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Dollinger.

SENATOR DOLLINGER: On the bill, Mr. President, if I can just for a minute.

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: Mr. President, I tried to amend this bill to make it a better bill. I'm not going to vote for it because those amendments are not included.

But let me just respond to something my colleague and friend Jim Alesi said, Senator Alesi. I certainly respect Jim's point of view. We've been debating issues for the better part of the last 15 years.

I'm astounded that he would say that one-party rule has some adverse effect. I must have missed something, Mr. President. Hasn't the same party been in control in this house for the last 40 years? Isn't that the definition of one-party control?

And yet he said -- I believe he said, and maybe I'm wrong -- that one party was responsible for the financial problems in the city school district. Does that mean that the one party that's in control here in this house is responsible for our current financial plight? I guess it does. I guess that's what happens when one-party rule occurs.

What I find astounding is that you're so critical of it in the city of Rochester and the city school board, but yet I've never heard anybody on that side ever criticize the one-party rule in this house, which has gone on for the better part of - well, Senator Marchi would know for sure - with one year's exception, the better part of 60 years. I must admit Senator Marchi says that with a smile on his face. He knows what that means.

But one-party rule, it seems to me that if we look back in that mirror that I would project in the middle of the hall, you might find more about one-party rule on that side of the aisle than you would on this.

And the second thing, Mr.

President, is very simple. Senator Alesi said it was impossible to get that money for the city school district, impossible. I would suggest that that has nothing to do with impossibility. It has to do with will.

Let's be honest with everybody in this chamber. Those of us who represent largely people of color and largely urban areas have not, for the better part of the last 40 years, gotten our fair share of educational funding.

One of the things that happens - in my opinion, I've been so critical of it - we have what's called a transition cap and we have hold harmless. Hold harmless says that in school districts that have wealth and have strong tax bases, that they get held harmless under the formula. They get more than they would otherwise be entitled to under our formula because we want to shelter those districts from the consequences of changing times.

Urban school districts, by contrast, are affected by what's called the transition aid cap, which is an artificial

construct that denies them the ability to get their fair share that they would be entitled to under the formula. So on one hand, we restrict the amount of money we can give to cities and we increase the amount of money we can give to wealthier suburbs.

I would suggest to Senator Alesi and everybody in this chamber that it is not impossible to change that, it's that the Majority in this house does not want to change it. They don't want to. They lack the will to change it. And we all know why you lack the will to change it.

But let's stop saying it's impossible. This chamber, I've been told, has all the power in the State of New York. We've got tremendous power if we will to use it. In this case, the reason why the city of Rochester doesn't get its fair share is because this house lacks the will to change. We can do it. We should do it. We just haven't.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Senator Alesi.

SENATOR ALESI: I just wonder if Senator Dollinger would mind yielding for a question.

SENATOR DOLLINGER: Sure.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR ALESI: Thank you, Senator Dollinger. With all respect, let me preface my remarks by reminding you of the very strong statement that I made that you and I have been friends for a number of years -

SENATOR DOLLINGER: We still are.

SENATOR ALESI: -- through the legislative process at many levels and will continue to do that.

I was just wondering if you were - when you said we all know why, you didn't actually say why. And perhaps there's something that I don't know that you think everybody else knows. So maybe you could enlighten me as to when you say "we all know why," you could be more specific.

SENATOR DOLLINGER: Mr. President, I'll be even more specific. Generally, the voting trends in this state are

that the people that live and reside in cities have tended to elect Democrats to office. There are exceptions to that. The New York City mayoralty, for example. But quite frankly, the constituents that live in cities have generally voted Democratic.

The majority of this house has traditionally been, for the better part of 60 years, Republican. It has to do with whose political allegiance people have to which sides of the fence.

I would point out, Senator Alesi, that you are an exception to that. You do represent a portion of the city of Rochester. But the major portion of it has tended to vote Democratic, which means that, quite frankly - and I understand it, as a political fact - that those in a political majority of largely Republicans would not necessarily be inclined to help populations that generally tend to vote Democratic.

That's the point I was going to make, Mr. President.

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

ACTING PRESIDENT MEIER: Senator Alesi, on the bill.

SENATOR ALESI: I'd like to thank Senator Dollinger for his comments and thank him for pointing out my diligence in representing the needs of a very broad, diverse constituency which does include the urban core as well, and people that live in the city of Rochester as well as the rural areas of my district.

But when Senator Dollinger implies that the reason that not enough money goes to the city schools is because Republicans don't generally represent the urban areas, then I think that that's a very sadly misleading statement.

It is not because of the Republicans that are in the Majority in this house that the cities don't get their fair share of education. To say that ignores the fact that we have a structure of government that has two houses. Yes, this house is controlled by the Republican majority. But the Assembly is controlled by the Democrat majority, a very large core of which comes

from the city of New York and other large urban areas.

Because we have a two-house system here, it would be very misleading, in all fairness to my good friend Senator Dollinger, to try to convince anybody that the money that goes to any area -- whether it's education, health, transportation or whatever -- is done by the control of one party.

The other party controls the other house. This is a negotiated budget. You can't possibly in earnest say that because the Republicans are in the majority in this house that's the reason why urban areas don't get enough aid for education, any more than we can make a contrary argument and blame it on the Democrats in the Assembly. Unless we're simply looking to make a political point. And as I said in my earlier comments, that happens all the time.

The fact of the matter is, when I was talking about one-party rule, I was talking about a city government that is a unicameral government. There is no other house. There aren't any balances. When I was

talking about the city school district in Rochester, it's just one board. There isn't another board. It's one board, it's one city school district. One-party rule is basically eroding and destroying the city and the city school district. That was my point.

But don't -- please, please don't try -- I'm not speaking directly to Senator Dollinger. No Senator should stand on this floor and try to mislead people by thinking that someone is being shortchanged because Republicans control the Senate. Because Democrats control the Assembly. And we know that everything that eventually goes to the Governor for his signature is the result of Democrats and Republicans alike negotiating, compromising, and then agreeing. And trust me, nobody is being shortchanged by one single individual or political party in this State Legislature.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Would Senator Alesi yield to a question?

ACTING PRESIDENT MEIER: Senator

Alesi, do you yield for a question from Senator Dollinger?

SENATOR ALESI: I'd be happy to yield to a question from my friend and colleague whom I have enjoyed serving with for so many years.

SENATOR DOLLINGER: We're good friends, we have different points of view.

My question is very simple. Through you, Mr. President. Senator Alesi, if I told you that the Assembly had voted to repeal the transition cap and that the only thing that stood between the signature of the Governor to repeal the transition cap, or to get it to the Governor's desk, was a vote of the Majority in this chamber to bring to the floor and to approve it, would you still conclude that the Republican Majority was not standing in the way of repealing the transition cap?

SENATOR ALESI: Well, Senator, in answer to your question, I would say this. If you listened to my earlier remarks.

I said that this is a negotiated, compromised, agreed-upon effort, and that

everything that happened to this point is nothing more than a negotiating tactic that gets us here. And if you want to be honest, Senator, anything that occurs along the lines of what you're just suggesting is a tactic to get us to this particular point.

And we could spend all day here giving examples of point and counterpoint. But the truth of the matter is, Senator, that if this were not palatable to the Democrat-controlled Assembly for one reason or another, this would not be in print, it would not be agreed upon today, and it would not be giving you the opportunity to grandstand the way you have been.

SENATOR DOLLINGER: Mr. President, will the sponsor yield just to one more question? Excuse me, will Senator Alesi yield to just one more question?

ACTING PRESIDENT MEIER: Senator Alesi, do you yield to another question?

SENATOR ALESI: I would be very happy to agree to one more question.

ACTING PRESIDENT MEIER: He does.

SENATOR DOLLINGER: Would it be a

reasonable conclusion, just as a matter of civics, that if one house approved a repeal of the transition cap and the other house refused to take it up that you could conclude that the house that refused to take it up was standing in the way of it becoming law?

SENATOR ALESI: Mr. President, if that's the Senator's question, I would simply say that you could apply that logic to anything that we have negotiated in this particular budget. And you can draw the conclusion you want, because the intended purpose is to make a political statement.

My comments here regarding this issue have simply been to state concretely that we have done everything that can be possibly done within the domain of an agreement between the Democrats who control the Assembly and the Republicans who control the Senate.

SENATOR DOLLINGER: Thank you.

SENATOR ALESI: And I don't really need to go through -- we could be here all day long if we want to give examples of what they have done over there to dismantle

the process, what we have done over here to bring negotiations closer to conclusion. There's no good purpose in doing that.

I think what we ought to do here is, at least as it relates to the amendment that was proposed, adding more money to the Rochester City School District, is to accept the fact that there's much more that we can always do. But we also have to understand that we have to do it within what is agreed upon between both houses.

And I'm going back to my original remarks and when I said one-party rule has nearly dismantled the City of Rochester and the city school district, I meant that. And when it was proposed that one-party rule has caused some difficulties up here, I simply pointed out that there is no one-party rule when you have two house of the Legislature both controlled by different, opposing political parties.

SENATOR DUANE: Mr. President, I want to ask the Senator to yield.

ACTING PRESIDENT MEIER: Hold on just a second. I've got a list going,

Senator, and you're next on it, if you don't mind. Senator Volker and then Senator Duane.

SENATOR VOLKER: Very quickly, I don't represent the city of Buffalo. In fact, I haven't represented the city of Buffalo since about twenty some years ago in the reapportionment of, what, 1980. Believe it or not, this is my fourth -- although somebody pointed out it's actually my fifth reapportionment, because we had one of them that was stuttering, as we say. It happened a little later.

Let me just say that when you talk about transitional aid, Senator, I know we talk this hocus-pocus about the wonderful things about the formula. Senator, there's nothing magical about the formula. We pour money into the cities. Buffalo, 80 percent of its funding is state funding. Two years ago Buffalo got more money than any school district in the state of New York ever got. I'm talking about per capita, of course. I mean, in years past we used to pick it up in shovelfuls and throw it into the city of New York and it would dribble out the edges.

The problem with the city school district is it's terribly managed. You can put all the money you want into that district. But that doesn't mean that it's going to improve until something happens with the structure of that district.

We're trying to do that in Buffalo. When I say "we," yes, the Buffalo city is run by Democrats. And it happens to be people who I think are trying to get things righted. But let me tell you, the district that I represent, where I live, the percentage is about 32 percent. It's a little embarrassing, because the City of Buffalo's percentage is 80 percent. Eighty percent. And let's not forget all the special aid, virtually, goes into the cities. Plus all sorts of other stuff.

I mean, the problem here is that we were kind of talking a little bit in riddles. And Rochester had a particular problem because they miscalculated the numbers rather decidedly. And therefore, they found out they needed a lot more money than they thought they did. That happened in Buffalo some years ago,

and Artie Eve and I went to the school board and the administration and sat down with them and said, "Look, if you don't clean up your act, you're not going to get the kind of money that we've been getting to you over the years." And frankly I think they did clean up their act.

And I only mention that -- of course, this is Buffalo. And I'll admit we're a little bit different in some ways. Not than a lot of places. I know John DeFrancisco works hard with Syracuse. And certainly Dick Spano works very hard with the Yonkers school district. Of course, Yonkers has been through, I think, 2 emergency control boards and a half, if I'm not mistaken, something of that nature.

We've never had an emergency control board in Buffalo. And some people say that this year we should have one. But we're not going to do one. Because if we can all cooperate together, we in Buffalo are going to make sure that doesn't happen and also make sure that the school district comes out very well also.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. I was wondering if Senator Dollinger would yield.

ACTING PRESIDENT MEIER: Senator Dollinger, Senator Duane inquires if you would yield.

SENATOR DOLLINGER: Yes, Mr. President, I'll be glad to.

ACTING PRESIDENT MEIER: Senator Dollinger yields.

SENATOR DUANE: Thank you.

Are we in the Assembly now?

SENATOR DOLLINGER: No, not to my knowledge. Unless suddenly I've been morphed into an Assemblyman.

SENATOR DUANE: And do we -

ACTING PRESIDENT MEIER: Do you wish Senator Dollinger to continue to yield?

SENATOR DUANE: To continue to yield, yes, please.

ACTING PRESIDENT MEIER: Senator Dollinger, do you continue to yield?

SENATOR DOLLINGER: I will, Mr.

President.

ACTING PRESIDENT MEIER: Senator Dollinger yields.

SENATOR DUANE: And do we as a body, the Senate body, control what the Assembly does?

SENATOR DOLLINGER: To my knowledge, Mr. President, the answer to that question is no.

SENATOR DUANE: And if the Senator would continue to yield.

ACTING PRESIDENT MEIER: Does the Senator continue to yield?

SENATOR DOLLINGER: Yes, Mr. President.

ACTING PRESIDENT MEIER: He yields.

SENATOR DUANE: And is it not only possible but likely that urban school districts around the state have been underfunded during the past several years?

SENATOR DOLLINGER: I think that's a fair statement. For the better part of more than 10 or 15 years, in my judgment.

SENATOR DUANE: And through you,

Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Dollinger is not the sponsor.

But does the Senator consent to yielding for a question?

SENATOR DOLLINGER: Yes, Mr. President, I'll yield.

ACTING PRESIDENT MEIER: Senator Dollinger yields.

SENATOR DUANE: Thank you. I just need to say how foolish of me to think that someone on this side would be the sponsor of such a bill. An amendment, yes. Not a bill.

But through you, Mr. President, is it not only possible but likely -- and others' contention -- that the school aid formulas are flawed?

SENATOR DOLLINGER: I think that's -- at least from my point of view, the school aid formula remains deeply flawed, in part because of the transition aid cap and in part because of the hold harmless provisions and others. And I think they were properly

pointed out -- the flaws in that formula were properly pointed out by Judge DeGrasse in the CFE case.

SENATOR DUANE: And through you, Mr. President, if the Senator would continue to yield.

ACTING PRESIDENT MEIER: Senator, do you continue to yield?

SENATOR DOLLINGER: Yes, I do, Mr. President.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DUANE: And do we not as a body, in the Senate, have the power to be a leader in changing how aid is provided to school districts throughout the state?

SENATOR DOLLINGER: I don't know whether we specifically have the interest in doing that, Senator.

But I've stood in this chamber for ten years and been told that we've been a leader in childcare, we've been a leader in domestic violence prohibitions, we've been a leader in criminal justice, we've been a leader -- this chamber has been a leader in

any one of a number of issues.

I would assume, Senator Duane, that if this house decided that it was going to be a leader in equity in school funding, it could be that easily.

SENATOR DUANE: And through you, Mr. President, if the Senator would continue to yield.

ACTING PRESIDENT MEIER: Senator Dollinger, do you yield for another question?

SENATOR DOLLINGER: Yes, I do, Mr. President.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DUANE: And do you agree that a better model on how this Legislature - in particular, the Senate, I should say - would function would be if it were based on the federal model of the U.S. Senate rather than on the dysfunctional model which has become permanent in this house?

SENATOR DOLLINGER: My personal experience, not having been a United States Senator, but everything I've read suggests that the kind of bipartisan cooperation, the

bills sponsored by leaders in both parties - all of those things seem to make the United States Senate a fitting model for any body, any political body in this nation, whether it happens to be this or any other.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Dollinger, do you continue to yield?

SENATOR DOLLINGER: I do, Mr. President.

SENATOR DUANE: And in terms of funding for education and so many other matters, is it not better for the public if we rise above petty partisan issues and using that to attack each other but, instead, to keep in mind that we are all here in the upper house of the Legislature to help the people and in particular, at this moment, as it applies to education funding?

SENATOR DOLLINGER: Well, in response that to that, Mr. President, it seems to me that whenever anybody on this side of the aisle stands up and advocates for their

community, they're accused of political gamesmanship or grandstanding or any one of those other phrases, yet when members on the other side of the aisle stand up and advocate for their communities -- first of all, I'm not sure I've heard anybody on this side of the aisle accuse them of such conduct. And, secondly, it seems to me that they're generally saluted as being effective advocates for their community.

Why there's a double standard with respect to that, Senator Duane, I don't know. But I would think that that kind of silliness doesn't belong in this chamber. I assume that everybody's here -- someone mentioned that this is a political act. I think Senator Alesi is correct. Everything that happens in this house has a political tone to it. Because, of course, we're all politicians. We're all men of the people, women of the people. And it seems to me that because that's who we are, everything we do has something to do with politics, with the people we represent.

I personally find it discouraging,

disheartening, and inconsistent with the history of this chamber that people would stand up and say someone advocating for something for their district or for children in their district, more money for lead-paint abatement or more money for the Division of Human Rights, is accused of playing politics. I think that's what good and effective advocacy is all about.

And I'm amazed that Senator Alesi says: "Well, you know, this is a carefully crafted compromise." What in essence he's saying is: We've built the box. Here's the box. Don't think outside the box. It's our box. You can't think outside the box.

I would suggest that as someone elected by people, I was not elected to let anyone put me into the box. I was elected to think outside the box and, if necessary, advocate outside the box. Because the box is poorly constructed, from my point of view.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

The debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1200 are Senators Dollinger, Duane, and L. Krueger. Ayes, 56. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will continue to read in regular order.

THE SECRETARY: In relation to Calendar Number 1201, Senator Stafford moves to discharge, from the Committee on Finance, Assembly Bill Number 9753C and substitute it for the identical Senate Bill Number 6253C, Third Reading Calendar 1201.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1201, Assembly Budget Bill, Assembly Print Number 9753C, an act making appropriations for the support of government, Transportation and Economic Development Budget.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: Yes, there is a message at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Krueger.

SENATOR LIZ KRUEGER: I'd like an explanation.

ACTING PRESIDENT MEIER: Senator Krueger, we're on a roll call. Are you asking me to withdraw the roll call?

SENATOR LIZ KRUEGER: Request permission to withdraw the roll call.

ACTING PRESIDENT MEIER: The roll call is withdrawn.

Senator Stafford.

SENATOR STAFFORD: Mr. President, the budget is being discussed in detail. We seem to be jumping around a bit. But I would just second what's been said here a number of times today concerning this budget, which has been hammered out on the anvil of discussion, the anvil of sensitivity and, yes, the anvil of practicality.

Now, this specific bill, the transportation and economic development bill,

provides the necessary appropriation authority to support the agencies involved in maintaining and improving the state's transportation infrastructure as well as the state's economy.

I would also hasten to add and emphasize that this bill also provides for a program which we very proudly here in the Senate call GE*NY*SIS, focusing and encouraging collaboration between basic research and life sciences at our various university centers and also in the technology field.

I don't think any of us will argue that transportation is important. We can't have a viable state without it and we can't have a state that is competitive without it.

Also, economic development in itself I note has become an industry. We all know that in our various areas we are working very hard toward economic development in the state. And other states are doing it, other countries are doing it. And if we don't have adequate economic development, we are going to be left behind.

Fortunately, this budget will make sure, in my opinion, that we will not be left behind.

ACTING PRESIDENT MEIER: Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would yield for a question.

ACTING PRESIDENT MEIER: Senator Stafford, do you yield for a question?

SENATOR STAFFORD: Yes.

SENATOR LIZ KRUEGER: Thank you, Senator Stafford.

I appreciate the explanation. You mentioned -

SENATOR STAFFORD: I apologize. I admit that I should wear a hearing aid. My children tell me I should.

SENATOR LIZ KRUEGER: I will speak up. You know, I have all these budget bills right next to my microphone.

SENATOR STAFFORD: Maybe someday I'll get around to do that.

So if you could speak into the mike, please.

SENATOR LIZ KRUEGER: I'm sorry, my budget bills were on top of my microphone.

Can you hear me now, Senator? I'll try again.

You mentioned before you thought this was a good budget. Senator Marchi mentioned that he had voted for 46 years for every single budget. I am new. It is hard for me to imagine now -- well, of course, being anywhere for 46 years -- but to being able to vote for every single budget.

SENATOR STAFFORD: I wouldn't wish that on anyone.

(Laughter.)

SENATOR LIZ KRUEGER: This bill has so many details in it that I have a series of questions for you. I will try to categorize them largely first.

And I'm following up on Senator Maziarz's comments before, which I heard and respect, that he couldn't imagine voting for anything taking $500,000 of state money out of a budget without knowing where it's going.

And in this section of the budget on economic development we are in fact taking

$1.2 billion of state money and putting it into a series of programs, mostly through the Urban Development Corporation, where it's not clear to me where they're going. And I therefore feel I need some answers to be able to represent and vote on behalf of my constituents. You already mentioned some.

In the Urban Development Corporation subsection we have $520 million going to two programs, the Empire Opportunity Fund and the Centers for Excellence. Could you clarify to me what each of those are and what monies will go to them and who will decide how those monies are spent?

SENATOR STAFFORD: Senator, you've been here a short time but you've learned to ask very good questions.

SENATOR LIZ KRUEGER: Thank you.

SENATOR STAFFORD: I will attempt to respond seriously.

The Centers for Excellence -- as always, I'm getting very, very good counsel, just to make sure what I already knew was true. Don't believe that.

The Centers for Excellence are -

that's a Governor's program. I believe there are centers in Buffalo, there are centers in Rochester, Albany, Long Island, New York City. And it is a program that is enhancing these various centers at universities.

And for instance, I would explain this program to you that I'm very impressed with -- and anyone who wants to correct me here, correct me. But IBM is putting $100 million into one of these centers right here in Albany, in conjunction with the State University. And they will be working and doing research on something I don't understand.

But believe you me, it's in the future. And if we don't do this, if we don't do this, we are going to be behind.

Now, what was the second -

SENATOR LIZ KRUEGER: The Empire Opportunity Fund, sir, was the other category in that $520 million -- excuse me, Mr. President, I spoke out of turn.

SENATOR STAFFORD: That program is also a Governor's program. And throughout the state, the Executive branch is funding

economic opportunity programs. I know they've done it throughout the state. Not in just one area. In New York City, in Long Island -- did I mention Long Island for Centers of Excellence? That's also included. And by all means, Senator Velella's area. All the areas.

And at one time -- I will share this with you. At one time, and I started to say when I was in my first term and knew everything. But I didn't say that. But now that I'm in my 19th term, I've learned that economic development is very important. Whether it is done -- whether it is done by Governor Rockefeller, Governor Wilson, Governor Carey, Governor -- what's his name? -- Governor Cuomo, or Governor Pataki. And I would emphasize that.

SENATOR LIZ KRUEGER: Thank you. If the sponsor would yield to an additional question, Mr. President.

SENATOR STAFFORD: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR STAFFORD: By all means.

SENATOR LIZ KRUEGER: Thank you.

Just to clarify, it's my understanding that the Empire Opportunity Fund is new money, so these wouldn't be programs that already exist. You implied that these were programs that existed throughout the state. Am I wrong? Are these not new dollars for new projects?

SENATOR STAFFORD: You're exactly right. It's brand-new, spanking new.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would continue to yield for an additional question.

ACTING PRESIDENT MEIER: Senator Stafford, do you yield?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Senator Stafford, I agree economic development money is critical money. Especially in hard economic times, we need to do everything we can to be investing our money correctly to ensure that we're maximizing the possibilities for job growth and economic development and new revenue into the state.

What are the criteria that are going to be used for distributing this -- some share of this $520 million? I worry that one simply can't state economic development is good, but rather one has to evaluate different proposals. Some is good and some is has failed to bring us returns to the state.

What kind of model are we going to put in place to assure we're using this money wisely?

SENATOR STAFFORD: I think we have to do our best, Mr. President, not to have vagaries and vicissitudes in how we set up programs. But I would share with you that if you really think about it, here in state government there are checks and balances. We also have the people.

I would suggest to you that these programs are very good, that they will be administered in such a way that is advantageous to our people. And we do and I certainly do, without any mental reservation whatsoever, have faith in the Governor's office, the Governor and his people to do this in a way that will be fair, equitable, and

responsive.

SENATOR LIZ KRUEGER: Thank you, Senator. If the sponsor -- excuse me, Mr. President, if the sponsor would continue to yield to an additional question.

ACTING PRESIDENT MEIER: Senator Stafford, do you yield?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you, Senator Stafford. So now we've gone over the $520 million for Empire Opportunity Fund new monies and for Centers for Excellence. There's also $680 million being put into this budget for a number of other programs that yet again I'm afraid I know very little about. And again, I worry that in a time of hard economic choices and not enough money, how do we prioritize using our money in these ways rather than investing more in our schools?

Could you just give me an explanation for -- and I'll just read them off in the order I found them in the budget -- the GE*NY*SIS program, the multimodal

transportation projects, a new project called RESTORE, and a new project called the Community Capital Assistance Program? I believe those all add up to $680 million of new state money.

SENATOR STAFFORD: I mentioned the GE*NY*SIS program to you. And again, I'm very proud to go over it again. And I think it's something that the Senate should be very proud of.

And it does focus on encouraging collaboration between basic research in the life sciences at the various universities here in our state, and with technology transfer activities and private industry to improve people's lives and increase the number of businesses and jobs in New York State.

That's a rather formal explanation. But I wanted to say that because, again, I would just point to -- and it's just so impressive to see IBM come to Albany and put $100 million into a program here at the State University.

Why don't we go down one at a time, and we'll get these answered.

SENATOR LIZ KRUEGER: All right. Thank you, Senator. Mr. President, if I may.

Again, just to clarify, I believe you now gave me the explanation both for the Centers for Excellence and the GE*NY*SIS as if they're the same program. But my reading of the budget is that they are two separate programs.

SENATOR STAFFORD: They are not the same program. That's exactly right.

SENATOR LIZ KRUEGER: So I still need a clarification, since you said -- you just explained -- what you said was GE*NY*SIS. So I think I need to ask you to go back to the Centers for Excellence.

SENATOR STAFFORD: Yeah, that's the Governor's program.

I would say The Centers for Excellence, the Governor's program, are going to emphasize more collaboration with the private sector.

SENATOR LIZ KRUEGER: Just to continue, then. Going down the list, Mr. President, if I may.

The RESTORE program, which is a new

program in the budget -- I'll try to find the full name for you. Rebuilding the Empire State through Opportunities in Regional Economies.

SENATOR STAFFORD: The RESTORE program -- and I know I don't have to go through a course in civics here. But we have a body in this Capitol called the Assembly, and the Assembly has a bit to say here.

And they have the RESTORE program, which is a collection of everything that we're talking about. And they of course will have programs along the lines that we've just been talking about.

SENATOR LIZ KRUEGER: And so you're -- excuse me, Mr. President, if I may.

ACTING PRESIDENT MEIER: Senator Stafford, do you continue to yield?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

So it's your understanding, Senator Stafford, that that's an Assembly-proposed program, so that we don't have, particularly,

details here in the Senate about what the program is?

SENATOR STAFFORD: We don't what?

SENATOR LIZ KRUEGER: Because it's an Assembly-proposed program, we don't have any details about what that is?

SENATOR STAFFORD: Well, I don't want to say that. I think that we have a very good idea. I think that the Assembly is responsible. I think that -- let me see now. You're from Manhattan.

SENATOR LIZ KRUEGER: Yes, sir.

SENATOR STAFFORD: I would suggest that you'd find the RESTORE program very responsive to Manhattan. And I'm sure that you'll look forward to getting into some of the details.

SENATOR LIZ KRUEGER: If I may, Mr. President, continue to ask the sponsor to yield.

ACTING PRESIDENT MEIER: Senator Stafford, do you continue to yield?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR LIZ KRUEGER: Since I'm not in the Assembly, Senator, I'm in the Senate, I feel that I need to make my decision today in voting for these bills based on the information I have available.

But to continue, we also have the Community Capital Assistance Program. That was the last program I mentioned to you before under the $680 million category in the budget.

SENATOR STAFFORD: Just what you just mentioned, too, as you know, as you'll find -- and I think people say I don't have much of a reputation for going back and forth and I don't have much of an interest in whatever.

But I would suggest to you that you'll find it very interesting how, when we do get a job done like this budget, how important cooperation is. And if we don't cooperate with the Assembly, we don't get a budget. And you have to rely on the Assembly a great deal.

So what I would suggest is -- do you have any Assemblymen in your district?

SENATOR LIZ KRUEGER: Of course I

do, Senator.

SENATOR STAFFORD: Well, I'd - I'd talk to them too. I think you'll find it interesting.

What's the last thing we mentioned now?

SENATOR LIZ KRUEGER: The Community Capital Assistance Program.

SENATOR STAFFORD: By the way, "Assemblypersons," my counsel just explained to me. And I apologize.

This is a redevelopment project in -- throughout the state, smaller projects. And it's both the executive branch and the legislative branch of the government, both really sponsor the program.

SENATOR LIZ KRUEGER: Mr. President, if I may continue to ask the sponsor to yield to just another question or two.

ACTING PRESIDENT MEIER: Senator Stafford, do you continue to yield?

SENATOR STAFFORD: By all means.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you very much, Senator Stafford.

We are paying for this, according to the budget, through a variety of funding streams. Do you think that we should make sure we have the money in the budget before we expend the money in the budget for specific items?

SENATOR STAFFORD: You know, it's interesting. You know, when I was growing up -- and there's some who argue whether that's ever happened or not, as far as I'm concerned -- I was told, you know, you pay for everything. You don't borrow anything. You don't borrow any money.

Well, I've learned that that isn't exactly the case. In fact, I think borrowing money is quite an industry in this state. Bonding, I think if there wasn't bonding, I think there would be many, many less jobs in many centers, including the greatest city in the world over 1 million in population. I can't leave Plattsburgh.

And I would say that making a budget is not an exact science. It just

isn't. You can talk to one person and they'll say this. Talk to another person; this is how much we're going to have. I've always said an economist is the greatest job in the world because you can say anything. And as long as you're 50 miles from home, you're an expert. And very often the one who says the most ridiculous thing is the one that's how it turns out.

But my point is you don't know. You just don't know what the revenues are going to be. And anybody tells you they know, well, after 37 years, I suggest you don't. You do as best you can. And you rely on various revenues.

I would suggest you're not sure of any revenues for next year as far as that's concerned. And consequently, I think we are implementing programs -- I have one of these facilities right in my own district now at the Akwesasne reserve, and we will have to see. We don't know how much people are going to spend, we don't know how much they're going to earn. We just have to, as best we can, put it together and say we're going to establish this

program and we're going to assess or suggest or estimate what we're going to receive.

Now, overall, I've found this also. It's much simpler than it sounds. Because you estimate what you're going to get, and you say here is what we're going to spend. And that's why you have these various figures. And as Senator Marchi said earlier, people are sincere.

SENATOR LIZ KRUEGER: Thank you, Senator. Thank you very much.

If I might speak on the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Liz Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you, Senator, for trying to explain to me so many of the questions I have.

I find myself still frustrated with the fact that as a legislator, I don't believe I could vote for the State of New York to take $1.2 billion of taxpayers' money and invest it in a series of different, quote, economic development initiatives without having far more details available about what the risks

are, what the advantages of each model might be, whether in fact we ought to prioritize differently, whether in a year of tough budget choices we should be taking $1.2 billion of state money to invest in these specific models of economic development.

I'm also concerned about the fact that -- I guess perhaps I represent a destruct of bankers. I think probably statistically there are more bankers in my district on the East Side of the Manhattan than perhaps in all other State Senate districts put together, just given the realities of New York City and where population lives. I would find it very, very difficult to go back and explain to people who are very sophisticated in economic development and venture capital and analysis of how you choose to make investments, and whether the State of New York would be better often investing in the stock market versus any subproject within any of these different programs within this $1.2 billion that we plan to put through the Urban Development Corporation -- which again then takes it off-budget and gives us no future ability to

evaluate or have input into how those monies would be used even if we were to pass them into the budget today.

And so I feel that I could not possibly in good faith vote for this and be able to go home and explain to my district that I used my authority as their legislator to invest $1.2 billion with almost no detail about how that money would be used.

I also must go home to my district and explain to a universe of both bankers and people who evaluate investment trends that the State of New York would again, in a bad economic year, choose to fund these programs with $600 million that we claim we have now, according to the budget, and another $620 million that we expect to have from two Indian casinos that have yet to be built but we're anticipating revenue from in this year.

And I simply would argue, I think, unless the other Senators in this room know far more than I do -- and perhaps I should have addressed my questions to other legislators in addition to Senator Stafford - I don't know how any of us in good faith could

vote for this specific section of the budget bill, because we couldn't possibly have the right answers to go home to our constituents with to justify the decision no, not to put $1.2 billion into economic development. I think there are all kinds of good arguments that could be made, even in a bad economic year, to invest wisely in economic development to create jobs, to generate new revenue, to bring new businesses into New York State.

But we have far more questions here than we possibly have answers for. And so I will have to vote no on this. I would love to get answers perhaps after today, because I believe that this budget will go through regardless of the fact that I'm voting against it. And I think that this should be the beginning of a discussion, not the end of a discussion, about how New York State is using our taxpayer dollars to invest in, quote, unquote, economic development programs.

And I say another concern I have but I did not raise it in my questions is when we go into what appear to be joint ventures with private businesses in New York State -

Senator Stafford used as one example IBM. I don't know, again, whether it was a joint venture through the GE*NY*SIS program or the Centers for Excellence program, because I'm still a little confused about what's the difference between the two -- should the people of New York not get an expectation of a return on those investments with private companies if in fact those are successful ventures?

So I'm particularly concerned when New York State goes into economic development in high-tech or joint ventures with private businesses that we as legislators can assure our voters that we took their tax dollars, we made the wisest investment possible from an economic development perspective. And if in fact those were successful ventures, because there's risk involved in economic development -- as you pointed out yourself, that there's risk involved in the leaps we take in passing a budget and having trusted that the Governor made the right decision - there needs to be a return on risk.

So we are putting our money into

ventures with private enterprises, and there will be returns, perhaps large returns, to those private businesses, particularly when you're talking about issues of patents, that the people of New York need to get their fair-share return on those investments as if we were a joint venture with any company.

If two companies had a joint venture, they would ensure that for the risk, there was a return. And I would argue if the State of New York is in the business of doing venture capital work using economic development dollars to help generate new and high-tech industries, that we need to ensure that we protect the voters of New York and their tax dollars by getting the same kind of deal for them that they would get if they had taken that money and invested it privately.

So I know this all seems very complex. And my questions I appreciate were frustrating perhaps to go through. But again, I cannot vote for this, because I cannot in good conscience explain to the people in my district or in my state -- and I'm not sure anyone else in this chamber could -- what

we're using this $1.2 billion for. Is it the best use of that money? Is it the best investment possible under economic development funding streams and we'll be able to explain to them later and justify our actions? Since if it goes through the Urban Development Corporation as it's intended, we will never have any legislative oversight or authority over any of the process or decisions that get made afterwards.

Thank you very much, Mr. President, for allowing me to speak.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1201 are Senators Dollinger, Duane, and L. Krueger. Ayes, 57. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 1202, Senator Stafford moves to discharge, from the Committee on Finance, Assembly Bill Number 9754C and substitute it for the identical Senate Bill Number 6254C, Third Reading Calendar 1202.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1202, Assembly Budget Bill, Assembly Print Number 9754C, an act making appropriations for the support of government, Health, Mental Hygiene and Environmental Conservation Budget.

ACTING PRESIDENT MEIER: Senator Balboni.

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

ACTING PRESIDENT MEIER: Yes, there is.

SENATOR BALBONI: I would ask that the message be read and move to accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1202 are Senators Dollinger, Duane, and L. Krueger. Ayes, 57. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1204, Senator Stafford moves to discharge, from the Committee on Finance,

Assembly Bill Number 9759B and substitute it for the identical Senate Bill Number 6257B, Third Reading Calendar 1204.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: Could we please lay this aside temporarily. And I'd like to announce an immediate meeting of the Majority in the Majority Conference Room. Immediate meeting.

ACTING PRESIDENT MEIER: The bill will be laid aside temporarily.

There will be an immediate meeting conference of the Majority.

Senator Mendez.

SENATOR MENDEZ: Mr. President, an immediate conference of the Minority, Room 314.

ACTING PRESIDENT MEIER: Immediate conference of the Minority in their conference room.

ACTING PRESIDENT DeFRANCISCO: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. We'd like to call an immediate Finance Committee meeting, immediate Finance Committee meeting in the Majority Conference Room.

ACTING PRESIDENT DeFRANCISCO: Immediate Finance Committee meeting has been called in the Majority Conference Room, Room 332.

SENATOR KUHL: And do you have some housekeeping?

ACTING PRESIDENT DeFRANCISCO: Are there any housekeeping items?

SENATOR KUHL: We'll return to the order of motions and the resolutions.

ACTING PRESIDENT DeFRANCISCO: Motions and resolutions.

Senator Kuhl.

SENATOR KUHL: Mr. President, on page 56 I offer the following amendments to Calendar Number 1033, Senate Print 7319, and ask that said bill by Senator Padavan retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

ACTING PRESIDENT MORAHAN: Senator Balboni.

SENATOR BALBONI: Yes, Mr. President. Could we please return to reports of standing committees. I believe that there is a report from the Finance Committee at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

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

Senate Print 6258B, Senate Budget Bill, an act to amend the Education Law.

ACTING PRESIDENT MORAHAN: Without objection, directly to third reading.

Senator Balboni.

SENATOR BALBONI: Mr. President, could we please take up Calendar Number 1204.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 1204, substituted earlier today, Assembly Budget Bill, Assembly Print Number 9759B, an act to amend the Environmental Conservation Law.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Balboni.

SENATOR BALBONI: Is there a message of necessity at the desk?

ACTING PRESIDENT MORAHAN: We already accepted that message, Senator.

SENATOR BALBONI: I believe we did not.

SENATOR MORAHAN: Okay. If we didn't, we're going to accept it now.

SENATOR BALBONI: Great. Could you please have the message read and move to accept it.

ACTING PRESIDENT FUSCHILLO: All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The message is accepted.

The Secretary will read.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Balboni.

SENATOR BALBONI: Yes, Mr. President. Could we please consider Bill 1205, Calendar 1205.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1205, Senator Stafford moves to discharge, from the Committee on Finance, Assembly Bill Number 9761B and substitute it for the identical Senate Bill Number 6259B, Third Reading Calendar 1205.

ACTING PRESIDENT MORAHAN: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1205, Assembly Budget Bill, Assembly Print Number 9761B, an act to amend Section 9 of Chapter 533 of the Laws of 1993.

ACTING PRESIDENT MORAHAN: Senator Balboni.

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

ACTING PRESIDENT MORAHAN: There is.

SENATOR BALBONI: Can we please have the message read and move for its adoption.

ACTING PRESIDENT MORAHAN: All in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The message is accepted, Senator.

Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Dollinger and L. Krueger recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Balboni.

SENATOR BALBONI: Mr. President, could we please call up Calendar 1206.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1206, Senator Stafford moves to discharge, from the Committee on Finance, Assembly Bill Number 9758B and substitute it for the identical Senate Bill Number 6256B, Third Reading Calendar 1206.

ACTING PRESIDENT MORAHAN: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1206, Assembly Budget Bill, Assembly Print

Number 9758B, an act to amend the Education Law and the Executive Law.

ACTING PRESIDENT MORAHAN: Senator Balboni.

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

ACTING PRESIDENT MORAHAN: There is.

SENATOR BALBONI: I move for its acceptance.

ACTING PRESIDENT MORAHAN: All in favor of accepting the message say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator L. Krueger recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Balboni.

SENATOR BALBONI: Mr. President, could we please call up Calendar Number 1207.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1207, Senator Stafford moves to discharge, from the Committee on Finance, Assembly Bill Number 9762B and substitute it for the identical Senate Bill Number 6260B, Third Reading Calendar 1207.

ACTING PRESIDENT MORAHAN: The substitution is ordered.

Senator Balboni.

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

ACTING PRESIDENT MORAHAN: There is, Senator Balboni.

SENATOR BALBONI: I move for its acceptance.

ACTING PRESIDENT MORAHAN: All in favor of accepting the message say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MORAHAN: The message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1207 are Senators Dollinger, Duane, L. Krueger, and Padavan. Ayes, 56. Nays, 4.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Duane, why do you rise?

SENATOR DUANE: Thank you, Mr. President. I'd like unanimous consent to be recorded in the negative on Calendar Number

1203.

ACTING PRESIDENT MORAHAN: It hasn't been passed yet, Senator.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Balboni.

SENATOR BALBONI: Will you please recognize Senator Dollinger.

ACTING PRESIDENT MORAHAN: Excuse me, Senator Balboni.

Senator Duane.

SENATOR DUANE: Calendar Number 1206, I'm sorry. Mr. President, I misspoke.

ACTING PRESIDENT MORAHAN: Without objection, Senator Duane will be recorded in the negative on Calendar Number 1206.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President. I'd ask unanimous consent to be recorded in the negative on Calendar Number 1204.

ACTING PRESIDENT MORAHAN: Without objection, Senator Dollinger will be

recorded in the negative on Calendar 1204.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: You're quite welcome.

Senator Duane.

SENATOR DUANE: May I also have unanimous consent to be voted in the negative on Calendar Number 1204.

ACTING PRESIDENT MORAHAN: Okay. Without objection, Senator Duane will be recorded in the negative on Calendar 1204.

Senator Balboni.

SENATOR BALBONI: Mr. President, could we please take up Calendar Number 1209.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1209, Senator Stafford moves to discharge, from the Committee on Finance, Assembly Bill Number 9760B and substitute it for the identical Senate Bill Number 6258B, Third Reading Calendar 1209.

ACTING PRESIDENT MORAHAN: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1209, Assembly Budget Bill, Assembly Print Number 9760B, an act to amend the Education Law.

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

ACTING PRESIDENT MORAHAN: Yes, there is, Senator Balboni.

SENATOR BALBONI: I move for its acceptance.

ACTING PRESIDENT MORAHAN: The motion is to accept the message. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT MORAHAN: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Duane and L. Krueger recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Duane.

SENATOR BALBONI: Mr. President, please recognize Senator Duane.

ACTING PRESIDENT MORAHAN: Senator Duane.

SENATOR DUANE: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 1205.

ACTING PRESIDENT MORAHAN: Without objection, Senator Duane will be recorded in the negative on Calendar Number 1205.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. I'd like unanimous consent to be recorded in the negative on Calendar Number 900.

ACTING PRESIDENT MORAHAN:

Without objection, Senator Hassell-Thompson will be recorded in the negative on Calendar Number 900.

SENATOR HASSELL-THOMPSON: Thank you.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Balboni.

SENATOR BALBONI: Could we please take up Calendar 1203.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1203, Senator Stafford moves to discharge, from the Committee on Finance, Assembly Bill Number 9755C and substitute it for the identical Senate Bill Number 6255C, Third Reading Calendar 1203.

ACTING PRESIDENT MORAHAN: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1203, Assembly Budget Bill, Assembly Print Number 9755C, an act making appropriations for the support of government, Education, Labor

and Family Assistance Budget.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT MORAHAN: Yes, Senator Balboni.

SENATOR BALBONI: Is there a message of necessity at the desk?

ACTING PRESIDENT MORAHAN: Yes, there is.

SENATOR BALBONI: I move for its acceptance.

ACTING PRESIDENT MORAHAN: All in favor of accepting the message say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1203 are Senators Dollinger, Duane, and L. Krueger. Ayes, 57. Nays, 3.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Balboni.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT MORAHAN: Yes, Senator Balboni.

SENATOR BALBONI: Is there any housekeeping at the desk?

ACTING PRESIDENT MORAHAN: Yes.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator Johnson, on page number 65 I offer the following amendments to Calendar Number 1132, Senate Print Number 4511B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MORAHAN: The amendments are received and adopted, and the bill will retain its place on the Third

Reading Calendar.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

On behalf of Senator Oppenheimer, on page number 65 I offer the following amendments to Calendar Number 1135, Senate Print Number 4826, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MORAHAN: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Senator Balboni.

SENATOR BALBONI: Mr. President, since that completes the work on the budget, and there being no further business, I move we adjourn until Monday, May 20th, at 3:00 p.m., the intervening days being legislative days.

ACTING PRESIDENT MORAHAN: On motion, the Senate stands adjourned until Monday, May 20th -- intervening days being legislative days -- at 3:00 o'clock in the afternoon.

(Whereupon, at 5:00 p.m., the Senate adjourned.)