NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: With us this afternoon to give the invocation is Rabbi Butman, from the Lubavitch Youth Organization in Brooklyn, New York.

RABBI BUTMAN: Thank you very much.

Our heavenly Father, please bestow Your blessings on the great men and women of this great New York State Senate. Bless them in everything they need materially, spiritually, in their private endeavors as well as in their community endeavors.

We are here today because we celebrate the 101st birthday of the Lubavitch Rebbe, Rabbi Menachim M. Schneerson, who cares about the education of all children. And this is why we proclaim 101 days of education,

education of all children.

And the Rebbe always made sure to stress that he's not only speaking about the education of the Jewish child, he's speaking about the education of the American child, of the European child, of the Middle Eastern child, of all the children in the world. So that the children should grow up to know that there is an eye that sees and an ear that hears, and that the world is not a jungle. And this is why the education of all children of the world is so important.

These days are special days, are difficult days for everyone throughout the world. And we recall, friends, that the war in 1991 was over on Purim. It was then February 28, 1991.

Two days after that, on the Sabbath, the Rebbe had a public gathering, a farbrengen, in 770 Eastern Parkway. And at that farbrengen, the Rebbe said that he wishes the men and the women who are doing battle in Iraq great success, and that they should return home safely. And everyone wondered: the war is over two days ago, and the Rebbe

is wishing them great success.

Now we understand. The Rebbe wanted to make sure that if it ever starts again, his blessings are there for the men and the women who are defending freedom throughout the world. They should come home safely and securely to their families.

And our prayers are with them, and with their families. And with their families as strongly as with them: can we imagine how a mother feels when her child is on the battlefield. And hope that they will be home safely and securely. And it's the same war, friends, throughout the world.

And we hope also that in Israel there will be peace and that the world will recognize that peace has to come with justice. And that we cannot ask just to give away territories and make friends with an enemy, with an eternal enemy.

I also remember that in 1991 I had to open a chamber, a smaller chamber than this one, the United States Senate in Washington. And before I went there in 1991, I went over to the Rebbe, and the Rebbe said to me, "Take

with you a pushkeh." This is a pushkeh. It's a docket box. "And while you're doing the invocation, you should put in a dollar bill where it says "In God We Trust" in the pushkeh, and everybody should see that and they should know that charity begins at home and that what money should be used for."

So I want to do what the Rebbe told me and give this offering, this dollar in the pushkeh. And if -- I know that you're all concerned about the budget. But if you want to offer a dollar for a good cause, that would be a wonderful thing to do for you and your families.

And I want you to know, ladies and gentlemen, that every Saturday in our synagogues we offer a prayer for you. And we say that Almighty God should help all those who serve the public faithfully, as you do. And we are asking Almighty God to bestow His blessings on you, on your families, for a lot of hatslokhe, which means a lot of success, in all your endeavors, in your private endeavors as well as in your community endeavors.

And let us say amen.

THE PRESIDENT: Thank you, Rabbi.

Reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 30, the Senate met pursuant to adjournment. The Journal of Saturday, March 29, was read and approved. On motion, Senate adjourned.

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

Senator Skelos.

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

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

Senator Marchi, do you wish to be heard?

SENATOR MARCHI: We have had a wonderful tradition with Rabbi Butman coming here and giving us his message.

THE PRESIDENT: Senator Marchi, you have the floor. You may proceed.

SENATOR MARCHI: Thank you, Madam President.

Now, it's very important that his presence here -- I was discussing that with Senator Lachman -- his presence here is a moving impression that you make on us, sir. And we rejoice in the fact that you are here and remind us, I had the pleasure, as you remember, of talking and discussing with Rabbi Schneerson. And he was a majestic figure who had a string of degrees and academic excellence that impressed us all.

But most important, the importance of recognizing the value of each and every individual, a message that you have carried, and the Lubavitcher, in a worldwide organization touching people in all of the planets of this earth.

This is very, very energizing and wonderful. And you have done this, sir, with learning, Schneerson, we -- going back to Maimonides and giving us a total expression in the moral law which impressed also scholasticism. And also in -- not the -- not even the -- but beyond the Christian system,

creating a fund of experiences and learning, and that flickering flame burning all over the globe.

And this is what his presence symbolizes here in fact. In fact.

So we are heartened by your presence, sir, and by what you signify and denote. And I know you'll be doing that in the other house of the Legislature, and we rejoice in this.

It's a wonderful reminder, it's a spiritual reminder which moved people far beyond ripples that we felt in scholasticism and other disciplines of learning, that has been aided and abetted and promoted and embraced by people all over the planet. You exemplify that. And we're so pleased that you're here with us.

And believe me, we have an admiration for what you exemplify and what the whole movement exemplifies, and hope that we give it speed and encouragement.

RABBI BUTMAN: Thank you very much.

THE PRESIDENT: Senator Lachman.

SENATOR LACHMAN: Yes, it exemplifies what the Lubavitcher Rebbe, of blessed memory, did during his lifetime, when you have an American Jew like Senator Marchi and an American Catholic like Senator Lachman --

(Laughter.)

SENATOR LACHMAN: -- both standing up, praising the work and praising the goals of the Lubavitcher movement.

Wherever you go today in the world -- not necessarily Crown Heights, Senator Andrews, but Brooklyn and Staten Island, and beyond that -- Sao Paulo, Brazil, Honolulu, Hawaii, Boca Raton, Florida -- there is a large and growing Lubavitcher presence.

And their major impact, as Senator Marchi alluded to, is among young people, is in education, is in universities, in providing young people with the cultural needs and religious needs that are required and which they desperately need.

I remember -- I'm going to close with this -- I did a study a number of years ago for the American Jewish Committee which

took me to five Latin American countries. And when I was in Sao Paulo, Brazil, I spoke to the principal of the school. And obviously he came from Brooklyn, from Crown Heights. And I said, "What brought you to Sao Paulo, Brazil?" And he pointed to a picture on the wall of the late Lubavitcher Rebbe, and he said: "He brought me to Sao Paulo, Brazil, by telling me to come."

At the same time, a friend of mine, who was born in Sao Paulo, Brazil, was living and working in Brooklyn. And he said the same thing. They just crossed paths, crossed nations, crossed continents to do the work of the Lubavitcher Rebbe and the Lubavitcher movement.

And they have done outstanding work in American universities and American colleges and in education. And may this continue for many more years.

And thank you, Rabbi Butman, for coming here and delivering the invocation.

RABBI BUTMAN: Thank you very much.

ACTING PRESIDENT ROBACH: Senator

Andrews.

SENATOR ANDREWS: Yes, I'd just like to rise and echo the same sentiments as my colleagues, Senator Marchi and Senator Lachman.

The Lubavitch Youth movement happens to be located in my senatorial district, even though Senator Lachman talked about their worldwide influence.

And I just wanted to once again thank the rabbi, Rabbi Butman, for his kindness to come up here and share his day with us.

Thank you.

RABBI BUTMAN: Thank you very much.

ACTING PRESIDENT ROBACH: Thank you, Senator Andrews.

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 Maltese, on page 17 I offer the following amendments to Calendar Number 206, Senate Print 95, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT ROBACH: The amendments are received, and the bill will retain its place on the calendar.

SENATOR FARLEY: On behalf of Senator LaValle, Mr. President, on page 14 I offer the following amendments to Calendar 151, Senate Print 924A, and I ask that that bill retain its place.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, are there any substitutions at the desk?

ACTING PRESIDENT ROBACH: No,

there are not.

SENATOR SKELOS: If we could go to resolutions, there's a privileged resolution, 995, by Senator DeFrancisco. I ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution Number 995, recognizing the White Ribbon Campaign, sponsored by Vera House of Syracuse, New York, to take place the week of March 28, 2003, through April 6, 2003.

"WHEREAS, Vera House, Incorporated, of New York, a Central New York agency that is dedicated to ending domestic violence, will launch its Ninth Annual White Ribbon Campaign on March 28, 2003, which will end on April 6, 2003; and

"WHEREAS, The White Ribbon Campaign is led by concerned men who encourage and invite all members of the community -- men and women, young and old -- to pin on a ribbon and join them in raising awareness and funds to

end domestic violence; this male leadership helps to acknowledge the important contributions men have made to this effort and invites others to take a role; and

"WHEREAS, Wearing a white ribbon is a way of challenging attitudes by educating the public about the tragic statistics tied to domestic violence and the community services available to victims of abuse and their families, while conveying a personal message that he or she recognizes that domestic violence is a very serious problem requiring society's immediate attention, and that its occurrence will not be tolerated; and

"WHEREAS, According to the FBI, battering is the leading cause of injury to women in the United States -- higher than auto accidents, muggings, and rapes combined. It is estimated that 4 million American women are battered each year, and that nationally, 25 to 30 percent of female homicide victims were killed by their intimate male partners; and

"WHEREAS, Crime statistics show that 95 percent of the victims of domestic violence are women, but it is important to

recognize that men and individuals in same-sex relationships are also abused; 87 percent of battered women report that their children witness the abuse; and

"WHEREAS, Vera House, in addition to providing emergency shelter services, domestic violence education, outreach services, and Syracuse Area Domestic Violence Coalition, strongly believes that the general public must become informed of the tragic statistics tied to domestic violence and become actively involved in its elimination; and

"WHEREAS, In Syracuse, the funds raised by the White Ribbon Campaign support the work of Alternatives to Domestic Violence, a Vera House program which works with men and adolescents who have been abusive in their personal relationships; and

"WHEREAS, Through its White Ribbon Campaign of distribution of ribbons to thousands of businesses, religious and community organizations, and individuals at a variety of events, Vera House hopes to enlist the help of the community to put forth the

message that domestic violence will not be tolerated; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to join with the staff and volunteers of Vera House as they launch this year's White Ribbon Campaign, on March 28, 2003, which will continue through April 6, 2003, giving this Legislative Body's full endorsement to their commitment to preserving families and eliminating domestic abuse; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Randi Bregman, Executive Director of Vera House, Incorporated."

ACTING PRESIDENT ROBACH: Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise in support of this resolution and welcome Randi Bregman and Jerome Hall. Jerome is involved with coordinating the alternatives program that was referred to in this resolution.

It's the ninth year. It doesn't seem possible that many years have gone by. I think the Senators have gotten forgetful more

over the years, because usually more have the ribbon on today. But they all have received one, and they have sworn that they will wear it the rest of the week, as you'll see when we walk around the Capitol here.

But we very much want to thank you for what you do at Vera House and thank all organizations who work to prevent abuse of this fashion.

The statistic that was mentioned here is just absolutely remarkable. Leading cause of injury to women in the United States, higher than auto accidents, muggings, and rapes combined. Absolutely unbelievable. And 87 percent of the batterings are observed by children. If that doesn't give some explanation why there's a cyclical nature to domestic violence, I don't know what other statistic could possibly do that.

So thank you for the work you've done. And hopefully this message will go across the state when our Senators wear white ribbons in their jurisdictions as well.

Thank you.

ACTING PRESIDENT ROBACH: Thank

you, Senator DeFrancisco.

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe Senator DeFrancisco would like to offer the resolution to sponsorship by the entire house. If anybody wishes not to sponsor it, they should notify the desk.

Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT ROBACH: The resolution is open for cosponsorship. If you do not wish to be a cosponsor, please notify the desk.

Immediate meeting of the Rules Committee in the Majority Conference Room.

Senator Skelos.

SENATOR SKELOS: Mr. President, there are two privileged resolutions at the desk by Senator Nozzolio. I ask that each be read and move for their immediate adoption. And if you would recognize Senator Nozzolio at the appropriate time.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution Number 985, congratulating the South Seneca High School Girls Basketball Team and Coach Everett Babcock upon the occasion of capturing the New York State Class C Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play, and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success and

developing a sense of fair play and competition; and

"WHEREAS, The South Seneca High School Girls Basketball Team are the New York State Class C Champions; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Everett Babcock, a skilled and inspirational tutor respected for his ability to develop potential into excellence; and

"WHEREAS, The team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the South Seneca High School Girls Basketball Team, from the opening game of the season to participation in the Class C championship game at Hudson Valley Community College, were a sisterhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, Coach Everett Babcock has done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Everett Babcock and his outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the South Seneca High School Girls Basketball team, its members -- Karina Pinargote, Alison LaPoint, Cassie Dresser, Dionne Zona, Phoebe Van Vleet, Keli Stewart, Dainia Jabaji, Katie Guererri, Scairrah Warters, Jen Voorheis, Erin Farney, Kathy Chase, Abby Brewer, Kailyn Gable, Vanessa

Twarkins, Shannon DeSlover, Sam Gable, Tracy Vangalio -- and Coach Everett Babcock on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the South Seneca High School Girls Basketball Team and to Coach Everett Babcock."

ACTING PRESIDENT ROBACH: Resolution 986, by Senator Nozzolio. The Secretary will read.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution Number 986, congratulating South Seneca High School Girls Basketball Coach Everett Babcock upon the occasion of being named the 2003 All-Greater Rochester Girls Basketball Coach of the Year by the Rochester Democrat and Chronicle.

"WHEREAS, It is the sense of this Legislative Body to act, in accord with its longstanding traditions, to commend notable athletic coaches who serve the youth of this great Empire State and who have distinguished themselves and their schools through outstanding commitment and exemplary athletic

achievement; and

"WHEREAS, Attendant to such concern, this Legislative Body is justly proud to congratulate South Seneca High School Girls Basketball Coach Everett Babcock upon the occasion of being named the 2003 All-Greater Rochester Girls Basketball Coach of the Year by the Rochester Democrat and Chronicle; and.

"WHEREAS, Everett Babcock, a 1982 graduate of South Seneca High School, guided the South Seneca High School Girls Basketball Team to a 26-2 record and won the Class C Championship at Hudson Valley Community College after reaching the semifinals last year; and

"WHEREAS, In his sixth season, Everett Babcock has built the Falcons into a Finger Lakes West powerhouse, going unbeaten in league play the last two seasons and winning the last three league titles; and

"WHEREAS, Everett Babcock has an exemplary career record of 122-28 and has been named League Coach of the Year three times and Section V Coach of the Year four times; and

"WHEREAS, Everett Babcock's

positive demeanor, selfless commitment, and caring concern have contributed to his enduring success as a coach and mentor, earning him the just respect and admiration of his community, his peers, and the athletes he has so ably coached; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate South Seneca High School Girls Basketball Coach Everett Babcock upon the occasion of being named the 2003 All-Greater Rochester Girls Basketball Coach of the Year by the Rochester Democrat and Chronicle; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Everett Babcock, South Seneca High School Girls Basketball Coach."

ACTING PRESIDENT ROBACH: Senator Nozzolio, on the resolutions.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, it's with great pride that I stand before this body today to congratulate a wonderful group

of individuals from the district that I serve and from my home county of Seneca.

The South Seneca Lady Falcons have distinguished themselves time and again on the basketball court. But frankly, Mr. President and my colleagues, their most distinguishing quality is that they have served their community so well. They are the pride of their community. And the young women who are seated in the gallery today that have come to Albany to receive this honor are ones that we are extremely proud of.

The young women represented on the South Seneca Lady Falcons are great athletes. They have distinguished themselves time and again on the basketball court. But why so many of the community have come with them today is because the community is just so proud of their accomplishments and, greater still, are proud of who they are and what they represent.

The coaching staff of Everett Babcock is mentioned in the resolution, one who has just had such an outstanding record of championship teams time and again in Section V

and now with the state championship. Coach Babcock has been a dedicated coach, one who has been involved with young people in the community and has served as such a great asset to the community on behalf of teaching, coaching, and educating our young people.

Christa Butterer, assistant coach; her twin sister, Beth Butterer, trainer; Steve Crane, as JV coach; Doug Clark, in charge of statistics, are also here today. Janie Nusser, superintendent of schools of South Seneca, took time to be here with us, as did board member Brenda Eastman and Fred Yaple, athletic director.

Also here is the chairman of the Seneca County Board of Supervisors, Bob Favreau, who represents a portion of the school district as the supervisor from Ovid.

All beaming with pride at this great accomplishment of a small school in a small part of a small county doing great things and having reached far beyond the borders of their community.

Outstanding young people. As the Rabbi mentioned in the prayer today, the

future of this state is in the hands of our young people. And we very much need to create an environment that's conducive for their growth and development. And that's what's happened.

My only hope is that the young women who are honored here today will come back to New York after receiving their educations, come back to Seneca County and grow a family and live and work there, because they are certainly the best and the brightest of our community.

Thank you, Mr. President. Congratulations to Coach Babcock and the Lady Falcons for a job very well done.

ACTING PRESIDENT ROBACH: Thank you, Senator Nozzolio.

The question is on the resolutions. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, say nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolutions are adopted.

Senator Kuhl.

SENATOR KUHL: I understand there's a privileged resolution at the desk by Senator Paterson. I'd ask that it be read in its entirety and then move for its adoption.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: By Senator Paterson, Legislative Resolution Number 1009, mourning the death of the Honorable Daniel Patrick Moynihan, former United States Senator from New York.

"WHEREAS, It is with profound sorrow and deepest regret that this Legislative Body, representing the people of the State of New York, is moved to mourn the death of a man of great distinction and extraordinary accomplishment; and

"WHEREAS, The purposeful life of Daniel Patrick Moynihan, an eminent scholar and tireless public servant, will forever be an inspiration to others for his statesmanship, passion, and integrity, as well as his independent and iconoclastic nature; and

"WHEREAS, For more than 40 years, in and out of government, Daniel Patrick Moynihan was known for being among the first to identify new problems and propose novel and challenging solutions; and

"WHEREAS, One of the most accomplished public officials in the United States, a man of ideas, Daniel Patrick Moynihan passed away on Wednesday, March 26, 2003, at the age of 76; and

"WHEREAS, born in Tulsa, Oklahoma, on March 16, 1927, he moved with his family to New York later that year, and spent many of his formative years in a fatherless household in the New York City neighborhood known as 'Hell's Kitchen'; and

"WHEREAS, In 1943, he graduated first in his class at Benjamin Franklin High School in East Harlem; he also learned the value of hard work, shining shoes in Times Square and working as a stevedore at Piers 48 and 49 on West 11th Street; and

"WHEREAS, Daniel Patrick Moynihan attended City College for a year, enlisted in the United States Navy, and was trained as an

officer at Middlebury College and at Tufts University. He earned his Bachelor of Arts degree from Tufts in 1948, and a Master of Arts degree at the Fletcher School of Law and Diplomacy at Tufts in 1949; and

"WHEREAS, In 1950, he attended the London School of Economics on a Fulbright Scholarship; and

"WHEREAS, In 1953, he returned to New York and went to work on the mayoral campaign of Robert F. Wagner and went on to write speeches for W. Averell Harriman's successful gubernatorial campaign; he then joined the Harriman administration in Albany and rose to become the Governor's chief aide; and

"WHEREAS, In 1954, Daniel Patrick Moynihan met the former Elizabeth Brennan; they married in May 1955, and she often remarked that she married him because he was the funniest man she ever met; and

"WHEREAS, After completing his Ph.D. degree in international relations in 1961 at Syracuse University, he left New York for Washington, D.C., where he would serve at

the highest levels under four successive Presidents from both major political parties; and

"WHEREAS, No one believed more than Daniel Patrick Moynihan in the power of restoration -- restoration of our cities as economic and cultural centers, restoration of our historic buildings as public places of pride, restoration of the family when given the proper tools to mend decades of despair, and restoration of our government to better serve its people; and

"WHEREAS, Daniel Patrick Moynihan restored our sense of hope with his ability to look at an abandoned building, a neglected neighborhood, or an empty school and see not only what it could become but how to make it so; and

"WHEREAS, In 1975, he was appointed by President Gerald Ford to serve as United States Ambassador to the United Nations, representing the United States to the world, until his resignation in February 1976; and

"WHEREAS, In 1976, Daniel Patrick Moynihan was first elected to represent

New York State in the United States Senate, a body in which he would serve from 1977 until his retirement in 2001, with one eye on the state's immediate needs and the other on the most profound social policy dilemmas facing our nation, spurring debate about the nation's pressing social problems; and

"WHEREAS, His 24-year career in the Senate was marked not by legislative milestones but by ideas. He rose to become chair of the Senate Finance Committee in 1993, later serving as its ranking minority member; and

"WHEREAS, Daniel Patrick Moynihan often spent the Senate's August recesses in an 1854 schoolhouse on his farm in Pindars Corners in Delaware County, where he wrote books on domestic and foreign affairs, nine as a senator, 18 in all; and

"WHEREAS, Daniel Patrick Moynihan looked at the nation's historic places, from Pennsylvania Avenue in Washington to Penn Station in New York, and saw that saving these great relics of the past held meaning and purpose for our future; and

"WHEREAS, An extremely thoughtful, patriotic American who served his country with pride, care and concern, Daniel Patrick Moynihan was a man of remarkable intellect and independence; and

"WHEREAS, Daniel Patrick Moynihan is survived by his wife, Elizabeth Brennan Moynihan, their three children -- Timothy, Maura, and John -- and two grandchildren, now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to pay tribute to the memory of Daniel Patrick Moynihan, memorializing his life and accomplishments for the edification and emulation of all; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the family of Daniel Patrick Moynihan with the deepest condolences of this Legislative Body on behalf of the people of the State of New York."

ACTING PRESIDENT ROBACH: Senator Schneiderman, on the resolution.

SENATOR SCHNEIDERMAN: Thank you,

Mr. President.

Very briefly, I think many people in this body knew Senator Moynihan, worked with him. Native of the West Side of Manhattan, a few blocks south of my own neighborhood. Had an extraordinary career for many decades, working with Democrats and with Republicans on as broad an array of issues as is humanly possible.

As we reflect on his legacy today, I would urge all of our colleagues that while he's better known for his work on issues of social welfare and his issues relating to domestic policy, he had a substantial -- substantial and very, very powerful body of work relating to the United States' conduct with regard to international law.

And as we now face a conflict overseas that is extending far longer than any of us would like, with uncertainty surrounding the postwar scenario, I would urge that we reflect on Senator Moynihan's work. He wrote extensively about this.

And reading from one book he wrote, called "On the Law of Nations," he spoke about

the strength of the United States as being not dependent just on our military, although he was a supporter of a strong military, but the American legacy, he stated, of international legal norms of state behavior is a legacy not to be frittered away.

He was an internationalist; he was a believer in the rule of law. And I think that his advice is sorely missed in these trying times.

He also was an extraordinarily acute critic of budgets. He set up a program that continues to this day of analyzing, every year, the degree to which New York State failed to receive its fair share from Washington. And I believe is credited with having uttered the longest word ever spoken on the Senate floor -- a word that we would do well to bear in mind today -- "floccinaucinihilipilification," which means the futility of projected budgets. Because, in Senator Moynihan's words, we pretend they're worth something, and they're always worthless.

So let's remember Senator Moynihan

for his wit, his humor, his insight, his strength of judgment on international issues. And I think it's very appropriate that we pause for a moment to honor his passing today.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President. I join Senator Schneiderman in recognizing the contributions of Senator Moynihan.

I can recall as a youngster sitting at the dinner table and having my father talk about this young person in the Harriman administration who he worked with whose name was Daniel Patrick Moynihan.

And his service to our country has spanned more than fifty years. And as Senator Schneiderman aptly pointed out, it wasn't just in social justice, but it was on global issues as well. And he's left a rich and deep legacy that we shall all remember for many, many years to come.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank

you, Senator Breslin.

Senator Marchi.

SENATOR MARCHI: Mr. President, I certainly was saddened by the passing of Daniel Patrick Moynihan. This is a great, great individual. I knew him well. We had a very deep and abiding friendship.

And I remember one special day, I was then -- had come on as chairman of the Finance Committee. He called me up, and he said, "I'll call you next week if you can come down to Washington." And I said sure, I'd be delighted to make it.

So he called me the following week, he said, "I'm up at Harvard, I'm finishing a discourse, but I will be in Washington at about 1 o'clock," he said, "if you can arrange to meet me in my office." And I had met with him many times before and after. I did proceed, and I joined him.

I -- again, I was so heartened by his welcome and his pledge of rendering any assistance that we could, because New York City was undergoing a severe and terrible trauma.

And Daniel Patrick Moynihan had a heart that was tremendous. He had a vision that impressed us all. He was not just someone who was elected to public office and established a great record; he was an institutional force. I don't think -- just some time has passed, but we don't come to appreciate the value of this man.

And I remember he united the entire state delegation, Republicans and Democrats. I remember Charlie Rangel was there, and there were all kinds of people present. And he made a very eloquent plea for rendering all the assistance that New York needed when it was undergoing its period of trauma.

A great, great individual. A good friend of Jerry Ford, and we used to talk about him occasionally when we were meeting somewhere or had an occasion to exchange some remarks.

And I'm so saddened by the fact that he's not with us. But on the other hand, he has left a rich, rich heritage to all of us. This is a man who served his country with conscience, with a spiritual understanding of

life. And those of us who enjoyed that friendship are saddened by his passing. But we know that up there he's watching and inspiring us to go out and do better when circumstances repeat themselves.

ACTING PRESIDENT ROBACH: Thank you.

Senator Volker.

SENATOR VOLKER: Mr. President, very quickly.

I can't say as if I was a very close friend of Daniel Patrick Moynihan's, but I was a friend of his. He was one of the characters that come across the political scene sometimes once in a century who would at one point be considered very conservative and at another point be considered very liberal.

In fact, if you look at the press that is praising him, it's very interesting to see some of the most liberal reporters and some of the most conservative praising Daniel Patrick Moynihan, who I think was one of the true figures. And I agree, certainly, with Senator Marchi.

One of his close associates was Tim

Russert, who of course people forget is from South Buffalo, came up here with Vince Graber on staff. And I knew Tim quite well. In fact, at the time he would call me on Moynihan problems, as he sometimes called them.

In fact, it was Tim that helped Moynihan immensely in his last term to make sure that he got reelected again. Because sometimes Senator Moynihan wandered in his thinking. He'd get so wrapped up in legislation and public policy that he'd forget to run. And -- I mean, at least that's what people tell me.

He was a brilliant man, a funny man, and yet he was the kind of fellow who could unite all sorts of people. Very close to Jake Javits, and actually became quite close to Al D'Amato, who wasn't exactly a mirror of Daniel Patrick Moynihan.

But I must say that his passing points up the fact that we have some great Americans who have served this state, and certainly Daniel Patrick Moynihan was one of them.

ACTING PRESIDENT ROBACH: Thank

you.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I certainly had the privilege over the years of interacting with Senator Moynihan, very much in the way you would expect another elected official -- a couple of hours in South Brooklyn reopening a historic bridge that he got the funds to refurbish, or a couple of hours here and there -- on many, many occasions.

But I'd like to share one personal experience that I had when I was Senator Moynihan's lawyer. And -- because it really tells you where he's coming from. Because, you know, in all the years as a state senator, when I was the leader, Pat Moynihan was not -- he was a loyal Democrat, but he was not overly involved in partisan endeavors. It wasn't his thing.

He didn't usually get into the mix, the nuts and bolts of politics kind of stuff. You know, you just couldn't line him up for something by saying "The party needs you."

That wasn't his style. That wasn't what he was like.

To that extent, his biographies and obituaries are quite accurate. He was very, very much a man of ideas. And the interesting thing was he seemed determined to prove that there was such a thing as academic freedom even in politics.

Most of us don't quite believe that, because we fear the wrath of the voters, the wrath of the press. But he said things the way he saw them, at various times created controversy because he put forth ideas that some other people may privately have shared but were regarded as if you want to be in politics, don't say that. Or if you want to be elected to anything, or reelected, you better not say that.

Let's all think how many times in that lounge there have we had conversations commenting on some aspect of modern-day public life, civic life, cultural life or whatever, only to end by "Yeah, but you sure can't say that if you want to be in elected office."

Pat Moynihan said it if he believed

it, and for that he was remarkable.

And I want to tell everybody the time Pat Moynihan wanted to throw somebody off the ballot. Now, isn't that -- I look around here; many of us have tried that. We've tried it because, hey, we didn't want the primary. Oh, we don't want to have an opponent. We wanted to save the money. You wanted to make sure you had a sure-thing reelection.

I look around here and I see people or chairs that represent people who tried to throw the candidate from the other party off the ballot so they didn't have a general election contest. Highly partisan thing. Bound, over the last couple of decades, to bring down the wrath of editorial writers, good government groups, and civic-minded people: how dare you try and throw somebody off the ballot.

Well, I'm telling you, Pat Moynihan once decided it was very, very important to throw his primary opponent off the ballot.

Now, it was in 1982, a gentleman named Melvin Klenetsky filed a designating petition with the State Board of Elections

with some 91,000 signatures on it. I think he needed 20,000 to get on the ballot. Far more than the number needed. And Pat decided he wanted to throw the guy off the ballot.

They had a large team of volunteer lawyers do probably a 96 percent good job on the specifications. And now they were told "You have to come to Albany for a hearing." And these volunteer lawyers had never been to a hearing, and they told Pat that. And I get the call: "Would you represent me before the Board of Elections? And don't worry, I'll send a couple of volunteer lawyers with you."

And I said, "Well, I hope they're prepared." As I looked into it, I said, "Wait, wait, the guy has 91,000 signatures. It's going to be a long shot. And this guy can't possibly beat you. Senator, the guy can't possibly beat you. In fact, having a primary opponent under the federal election laws, an opponent like Klenetsky, Senator, is to your advantage."

He said, "Why is that, Martin?"

I said, "Well, now, instead of people being able to give you a

thousand-dollar contribution, they can give you $2,000 in contribution per individual. And, you know, the PACs, the same thing, a double thing, because you have a primary and you have a general."

Trust me, Mr. President, a lot of our federal office holders pre-McCain whatever, Feingold, would often say to me: "I've got a primary, but it's not really a threat. And this is good. I can double what I can raise." Because you don't necessarily have to spend it in the primary, you just raise it and hang on to it.

So I explained this to Senator Moynihan, who was appalled at that thought. "Oh, no, no, no, no, I wouldn't want to do that. This is not about raising money."

I said, "Well, why do you want to threw him off?" You know what? It was about principle. His opponent was part of that group -- and I get the mail again, I guess LaRouche is running for president again. He was a LaRouche follower, a fringe group often described as a political cult that hold some and espouse some ideas which Senator Moynihan

and many, many of us in the Democratic Party believe are outside the big tent of the Democratic Party. And both major parties like to have a big tent. But these ideas are outside of either big tent, I think most of us here who would think about it would agree.

And Pat Moynihan was offended that this guy could run in the Democratic primary. He couldn't believe -- and I realized this whole election challenge, this whole going through the signatures and so on was all about a principle. It was all about his view of what the Democratic Party stood for or, more importantly, what it could not countenance within its umbrella.

And for that reason, he had people dig through the Board of Elections records -- this is precomputerization -- and do the set of specifications.

So off to Albany we went, with the volunteer lawyers. And when I said to them, "Now, the hearings will go 24 hours a day," they said "What?" And they didn't go 24 hours a day. We broke -- we broke virtually every night at 4:00 or 5:00 in the morning and

didn't resume until 8:00 in the morning. We took three-hour breaks so we could all go home and shower.

The interesting thing is that it looked like we were going to win. And this was going through, painfully, signature by signature, through 91,000 signatures. And in the last two hours of the -- and Senator Moynihan would check in every day, couple of times a day. And in the last couple of hours, the opposition found some records in the Board of Elections somewhere and ended up with 491 signatures more than they needed, we having thrown out sixty -- I can't do the math anymore -- sixty-some-thousand signatures. And that concluded the matter.

Now, without any prearrangement, when that four-or-five-day ordeal was over -- I guess we did it all in four days, around the clock -- I was scheduled to go to the Concord. I think there was a convention there, probably AFL-CIO, the next night. And I did. And I had just settled into my room and went down to have a Coca-Cola at about 7 o'clock when who should walk into the Concord -- because I had

no idea he was appearing, he was speaking the next day, coming that night -- but Pat, with his wife and partner Liz. Who immediately wanted to go through every wrong idea the LaRouchites had.

And I really enjoyed the next four or five hours, just the three Irish-Americans of us, drinking Coca-Cola -- Diet, in my case -- and discussing ideas, ideas in politics, political parties.

And interestingly enough, at that stage in my career I had only been in the Senate some four years. Pat Moynihan told me more about state government than I had heard from anyone else. And again, he was the United States Senator. But his experience went back to his days in the Harriman administration in the fifties. And he really had -- he had insights about the why, why they set this up that way.

And if you go back to that era in state government, from the early fifties on, a lot of things we kind of take for granted, probably that period of time is second only to the Al Smith era in terms of innovative things

that were done or the stage was set for, whether it be in transportation, education, whatever.

And Pat Moynihan could tell you. And he could give you the human side of it, not just the big idea. He'd tell you whose contract it was, so to speak, and how that interplayed with some ideas.

So, you know, I -- but I think what's important is he was always motivated by a principle. Even when it came to something as mundane or some people would say as politically crass as trying to throw your opponent off the ballot, he did it because there was a rationale, there was a political philosophy issue involved that he felt very strongly about.

And so we shall miss Senator Moynihan. We shall all benefit, as will this country benefit, from his intellect, from his thoughts so clearly expressed and fearlessly expressed.

Certainly my condolences go out to Liz and to Pat's children and grandchildren. And while we shall miss him, I for one am

grateful for both his public service and for the opportunity to have the personal interaction that I was able to have with him.

And of course he paid his bill, Mr. President.

ACTING PRESIDENT ROBACH: Thank you.

Senator Lachman.

SENATOR LACHMAN: Mr. President, I rise also to speak about Senator Moynihan, whose loss was a great loss for the nation and for academic life.

I was a teenager when I initially was forced to read "Beyond the Melting Pot," the book that he coauthored with Nathan Glazer. So I never had the privilege of knowing him firsthand, as some of you had. I knew him through his writings. And it opened up my eyes in terms of what I thought then was the reality of the American scene.

He was honest enough, with Professor Glazer, to write another book 25 years later. And that was the "Beyond the Melting Pot Revisited," both of which were based upon "An American Dilemma," by Gunnar

Myrdal.

Pat Moynihan was really an unusual person. I think in the obit that appeared in the New York Times, the best sentence that was there in terms of exemplifying him as a human being was: "In those years, he was enough of a politician to win reelection easily and enough of a maverick with close Republican friends to be an occasional irritant to his Democratic Party leaders."

Senator Moynihan was probably, in the 20th century, the only outstanding academic scholar to become a United States Senator and serve with distinction in both areas, whether you agreed with him or disagreed with him.

And Senator Connor just spoke about the three Irish-Americans speaking late at night together, Senator Moynihan, his wife, and Senator Connor. I think one of the great contributions that Senator Moynihan made to world peace was when he got together with Governor Hugh Carey, Speaker Thomas "Tip" O'Neill, and Senator Ted Kennedy to push for peace in Ireland.

His books will be read, in my opinion, for decades and generations. They will be revisited, as his original great book was revisited. But he will be always considered a great and unusual and unique American, as an elected official and a first-class scholar.

Thank you.

ACTING PRESIDENT ROBACH: Thank you.

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

Senator Farley.

SENATOR FARLEY: Yeah, I just want to rise and pay tribute to Daniel Patrick Moynihan, who not only was a great senator but one of the great thinkers in this country.

I just want to add to what Senator Marchi was saying a little bit. He was perhaps the only person in Congress that truly understood the problems with our welfare system and addressed it, because he grew up in poverty. He grew up in abject poverty and understood that the welfare system that we presently have is really -- creates a

dysfunctional family in many, many ways.

And he was a great senator and a great New Yorker. I can recall one other incident -- where I wrote him a note and got a very nice personal note back from him -- when he defended Governor Pataki, who was -- somebody who shall remain nameless who called him an empty suit or something. And Daniel Patrick Moynihan got on the floor of the Senate and defended Governor Pataki in saying that was so untrue and so forth.

He was a courageous guy. And it's unfortunate, in my judgment, that we lost him too soon. Daniel Patrick Moynihan was a quintessential New Yorker in many, many ways. And I don't know of anybody that I've ever met that didn't admire and like our great senator.

And he'll be sorely missed, because anybody that knew him or served with him said there never was anybody like him before, and I doubt if there will ever be anybody like him again.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Farley.

Any other members wishing to be heard?

If none, the question is on the resolution. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Any opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President, I'm receiving some information from the Acting Minority Leader that they would like to open up the last resolution to all members of the house.

I'm assuming, because of the nature of the representation of Senator Moynihan, that all members would like to join that. So let's take the position that all members will be added as cosponsors to that privileged resolution except those that don't wish to, and those people should notify the desk.

ACTING PRESIDENT ROBACH: The resolution is open for cosponsorship. If you

do not wish to be a cosponsor, please notify the desk.

Senator Kuhl.

SENATOR KUHL: May we now have the noncontroversial reading of the calendar.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 111, by Senator Volker, Senate Print 1340, an act to amend the Civil Practice Law and Rules, in relation to establishing.

SENATOR KUHL: Lay the bill aside for the day, please.

ACTING PRESIDENT ROBACH: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 172, by Senator Johnson, Senate Print 537, an act to authorize the Ascension Evangelical Lutheran Church.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 218, by Senator Larkin, Senate Print 2592, an act to amend the Agriculture and Markets Law, in relation to promoting.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 236, by Senator Hoffmann, Senate Print 173, an act to amend the Vehicle and Traffic Law, in relation to leaving the scene of injury.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 120th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 237, by Senator Trunzo, Senate Print 936, an act to amend the Vehicle and Traffic Law, in relation to form of number plates.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 238, by Senator Meier, Senate Print 1272, an act to amend the Vehicle and Traffic Law, in relation to authorizing.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 241, by Senator Libous, Senate Print 2353, an act to amend the Highway Law, in relation to designating.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 256, by Member of the Assembly Burling, Assembly Print Number 6205, an act to amend the Tax Law, in relation to authorizing.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

Senator Kuhl, that completes the noncontroversial calendar.

SENATOR KUHL: Mr. President, can we please now take up the controversial reading of the calendar.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 256, by Member of the Assembly Burling, Assembly Print Number 6205, an act to amend the Tax Law, in relation to authorizing the County of Livingston.

ACTING PRESIDENT ROBACH: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr.

President. If the sponsor would yield for one question.

SENATOR VOLKER: Yes, I will. I know what you're going to ask.

(Laughter.)

SENATOR BRESLIN: Could you please give me the answer without the question?

Was this done at the request of the county?

SENATOR VOLKER: Yes, it was.

In fact, the bill was changed twice because they wanted to make sure it went to the right place. It's going to Medicaid, to recover Medicaid. So they did ask for it, and so did all the towns also.

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

ACTING PRESIDENT ROBACH: On the bill, Senator Breslin.

SENATOR BRESLIN: As Senator Volker indicated, the county apparently has asked for this because they've had difficulties paying their Medicaid. Which I think is an example of what we've done as a

legislature, passing mandates down to the county and having the counties placed in a precarious position of having to raise additional taxes which can be regressive to the county.

And I think it's up to us as a body to look to legislation which would cap any additional unfunded mandates to the county. At their request, obviously I will vote for this bill. But again, we should be very, very careful in the future to not pass down those mandates.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you.

Any other Senators wishing to be heard?

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ROBACH: The

bill is passed.

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

SENATOR KUHL: Thank you, Mr. President. I understand there's a report of the Rules Committee at the desk. Is that correct?

ACTING PRESIDENT ROBACH: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 1402A, Senate Budget Bill, an act making appropriations for the legal requirements;

3576, by Senator Volker, an act to amend Chapter 887 of the laws of 1983;

3615, by the Senate Committee on Rules, an act making appropriations for the support of government;

And Senate Print 3616, by the Senate Committee on Rules, an act to amend Chapter 81 of the Laws of 2002.

All bills ordered direct to third

reading.

ACTING PRESIDENT ROBACH: Senator Kuhl.

SENATOR KUHL: Move to accept the report of the Rules Committee.

ACTING PRESIDENT ROBACH: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The report is accepted.

Senator Kuhl.

SENATOR KUHL: If we could do a noncontroversial reading of the Rules report.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 342, Senate Budget Bill, Senate Print 1402A, an act making --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT ROBACH: The

bill is laid aside.

THE SECRETARY: Calendar Number 344, by Senator Volker, Senate Print 3576, an act to amend Chapter 887 of the Laws of 1983.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 10. This act shall take effect in 30 days.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 345, by the Senate Committee on Rules, Senate Print Number 3615, an act making appropriations for the support of government.

ACTING PRESIDENT ROBACH: Senator Kuhl.

SENATOR KUHL: Is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT ROBACH: Yes, there is.

SENATOR KUHL: Move we accept the

message.

ACTING PRESIDENT ROBACH: All in favor of accepting the message of necessity and appropriation say aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The message is accepted.

Senator Kuhl.

SENATOR KUHL: Read the last section.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 346, by the Senate Committee on Rules, Senate Print Number 3616, an act to amend Chapter 81 of the Laws of 2002.

ACTING PRESIDENT ROBACH: Senator Kuhl.

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

ACTING PRESIDENT ROBACH: Yes, there is.

SENATOR KUHL: Move we accept the message.

ACTING PRESIDENT ROBACH: All in favor of accepting the message say aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The message is accepted.

SENATOR KUHL: Read the last section.

ACTING PRESIDENT ROBACH: Read the last section.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

That completes the noncontroversial reading of the Rules report, Senator Kuhl.

SENATOR KUHL: Beginning with Calendar Number 342, Mr. President, if you please.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 342, Senate Budget Bill, Senate Print Number 1402A, an act making appropriations for the legal requirements of the state debt service.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT ROBACH: Senator Johnson, an explanation has been asked for.

SENATOR JOHNSON: Mr. President, this bill is to pay the debt service for the coming year on all state debt obligations, and a total of $6.99 billion.

Any other question?

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 345, by the Senate Committee on Rules, Senate Print Number 3615, an act making appropriations for the support of government.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT ROBACH: Senator Johnson.

SENATOR JOHNSON: Mr. President, this appropriates approximately $1.7 billion to various state departments and agencies to meet scheduled state payments from April 1 to April 6, 2003.

ACTING PRESIDENT ROBACH: Read the last section.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: If the sponsor would yield for a few questions.

SENATOR JOHNSON: Yes.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Mr. President. There are a number of state agencies and programs that in last year's emergency appropriation bill, first emergency appropriation bill, received funding that are excluded from this

year's bill. In particular, the programs for Rural Preservation, Neighborhood Preservation Programs, the Batterers Intervention Program, funding for AIDS programs, the Office of Temporary Disability Assistance programs for not-for-profits.

There's no money for any of these programs in this year's bill. And I would request an explanation for these gaps when compared to last year's legislation.

SENATOR JOHNSON: Senator Schneiderman, you would like a further explanation or a commentary on that?

SENATOR SCHNEIDERMAN: Yes, an answer -- through you, Mr. President -- for why these organizations are left out, these programs are left out of this year's emergency appropriation bill when in last year's emergency appropriation bill they were funded.

SENATOR JOHNSON: Some of those programs are left out because there's no money to pay those. We're appropriating money, but we may not have the money which we're appropriating without some other things taking place.

But we've appropriated all the federal money that's coming through for rural rental, weatherization, other things. The federal money is being passed right through. No additional state money for those programs which you mentioned.

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

SENATOR JOHNSON: Yes.

SENATOR SCHNEIDERMAN: Then following up on that question, if we're not allocating money because there's no money available, then it would appear that the following programs are going to be cut as of the beginning of the new fiscal year tomorrow: Aid to defense, aid to prosecution, prosecution of capital crimes training programs, Batterers Intervention, Housing Development Fund, Neighborhood Preservation Program, Healthcare Standards and Surveillance Program. Child Health Plus has no funding in this bill.

So is it the position of the Majority that these programs are all being

cut, no funding being provided because we don't have funding that's available to them?

SENATOR JOHNSON: Senator, it may appear that way, but it's not exactly that way. We're just talking about the bills that are going to be paid this week. We're not talking about terminating those programs. There's no language here which terminates those programs.

So I would say that the costs will accrue, we're going to have to deal with it in the future. But it's not being paid in this particular bill.

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

ACTING PRESIDENT ROBACH: On the bill.

SENATOR SCHNEIDERMAN: I appreciate the sponsor's answers. I think, though, that the gaps in this bill point to a very serious problem.

This is essentially an effort to extend a series of payments that were authorized by last year's budget. Well, it is abundantly clear to us now that last year's

budget was a budget based on false assumptions. Many of us believe that it was a politically motivated budget rather than a budget that was developed around sound fiscal practices.

The evidence for that is substantial. On October 30, 2002, there was a report issued, the midyear financial plan update by the Division of the Budget, George E. Pataki, Governor, Carole Stone, Budget Director, October 30, 2002. The Governor had a lot of things on his mind.

One thing he didn't have on his mind, apparently, was giving us an accurate reflection of the state of New York's finances.

This report stated that we were going to end the fiscal year with a $200 million surplus. One month later, the Division of the Budget revised that estimate -- after the election -- to a projection of a $2.3 billion deficit. We're now faced with a substantially higher deficit.

And the difficulty many of us have with this ongoing process in Albany, where no

one takes the deadline for passing the budget seriously and we assume that we can pass extenders that will keep some programs going and maybe enable the powers that be to threaten some programs or to hold up funding for other programs in order to send political messages, this business as usual in Albany is not serving the people of the State of New York.

We are facing a fiscal crisis that is in large part of our own making. You can't have massive tax cuts and massive spending increases for eight years without hitting the wall sooner or later. It's been accelerated by the fact that we've had this national recession. But everyone knows when you have a boom, it's going to be followed by a bust.

Compared to many other states, we did not take the steps necessary to provide for this. This budget that we are seeking to extend, the 2002-2003 budget, I respectfully submit was an inaccurate, misleading, and arguably intentionally inaccurate and misleading document. I don't think the people of the State of New York this year are going

to put up with business as usual.

We have now missed the deadline. This bill is the acknowledgment that we've missed the deadline. The discussions that we're having are avoiding facing up to the actual issues before us, which are how to raise revenues in a fair and equitable way so that some of people who benefited from all of these tax cuts are going to bear some of the burden now that we're going into hard times.

Those discussions aren't being had. The only legislative leader who has spoken up and said we should have a surcharge on the taxes for the wealthy and close corporate loopholes is Senator Paterson, January 31st, in an oped column in the Daily News. No other Democrats or Republicans have stepped up to the table and faced up to the fact that we have made this bed, through tax cuts and spending increases, and we now have to lie in it.

I am not going to vote for the extension of last year's budget. I think last year's budget was a fraudulent budget. And I would urge everyone that we have to stop this

casual attitude about budget extenders if we're going to give the people of the State of New York what they need this year, which is honest, direct action by the Legislature. We don't have a surplus. Every day we wait to pass a budget this year makes it harder to close the gap.

So I'm voting no, and I'm urging others to vote no. The days of easy extenders should be over in this house and should be over in the Assembly. Let's pass a real budget. Let's get the real issues on the table.

And I hope that within the next few weeks we're going to be able to turn this discussion around. But I'm done voting for easy extenders to make it easier for us to pretend we're doing the people's business and issue false reports like the midyear financial plan for the last budget while we fail to address the critical issues facing our state.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you,

Mr. President. If the sponsor would yield to a question.

ACTING PRESIDENT ROBACH: Does the sponsor yield?

SENATOR JOHNSON: Yes, Mr. President.

SENATOR LIZ KRUEGER: Thank you, Mr. President. Through you.

Perhaps in follow-up to Senator Schneiderman's question, he was talking about a number of items that aren't in here. And you explained that it's only one week. I want to talk specifically about the general categorical school aid and the fact that there isn't money in this budget extender specifically for school aid.

In fact, last year during this time period, it would have been -- let's see, adding up three categories, it would have been almost $140 million in school aid that were put through last year's extender bill.

Now, we know in the Governor's proposed budget we are facing potentially $1.3, $1.4 billion in budget cuts for education. I'm exceptionally concerned that

because, again, we have not dealt with the budget, we are in an extender mode, we're in extender mode of a budget I also did not vote for last year. One of the reasons being that we did not have enough money for school aid.

Now we're in the same situation -- extender, no money in here in the first week for school aid. Our school districts, my school districts in New York City are being told to expect hundreds and hundreds of millions of dollars in cuts. Not knowing what reality is, how could we do an extender bill where we're not addressing the fundamental question of public education funds?

SENATOR JOHNSON: Senator, this bill does not include an appropriation for school aid. There is one payment due this week, and that will be made under authority of previous appropriations. So the school aid will be paid. That's not a problem. It's not a question. There's no reason to put it in this bill.

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

ACTING PRESIDENT ROBACH: Will you continue to yield, Senator?

SENATOR JOHNSON: Yes, Mr. President.

SENATOR LIZ KRUEGER: Thank you, Senator, I do need a clarification.

So last year at this time we did need to put money in for school aid. This year we don't, because we, what, assumed we would need to have an extender and factored the payments in differently?

SENATOR JOHNSON: Last year we made an end-of-year appropriation for school aid. And this year -- and that's carried over to this year. That is still available.

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

ACTING PRESIDENT ROBACH: Do you continue to yield, Senator Johnson?

SENATOR JOHNSON: Yes.

SENATOR LIZ KRUEGER: Thank you, Senator.

If last year we needed to do an end-of-year carryover appropriation for the

school year, what is different about this year that we wouldn't need the same phenomenon to take place?

SENATOR JOHNSON: Yes, of course. I recall now. The -- last year we made an end-of-year discretionary payment to the school districts. This year we didn't do it because we paid out money before the end of this fiscal year -- before the end of last fiscal year so they wouldn't have to have it in this budget. This year --

SENATOR LIZ KRUEGER: Mr. President, if, through you, the sponsor would continue to yield for clarification.

ACTING PRESIDENT ROBACH: Do you continue to yield, Senator?

SENATOR JOHNSON: Yes.

SENATOR LIZ KRUEGER: Thank you. I am trying, Senator. I appreciate your explanation.

What's different? Why last year did we -- it sounds like you're proposing that last year we gave them extra money at the end of that year, and this year they don't need what we defined as extra money last year.

SENATOR JOHNSON: As I said before, Senator, we have appropriation authority left, and the payment due will be paid.

Last year there was no appropriations authority already left; it had to be added into the emergency bill. Is that clear?

SENATOR LIZ KRUEGER: Mr. President, through you. No, I'm still confused, Senator. But I'll go on with the questions.

Thank you, Mr. President. If, through you, the sponsor would continue to yield.

ACTING PRESIDENT ROBACH: Do you continue to yield, Senator?

SENATOR JOHNSON: Yes, Mr. President.

SENATOR LIZ KRUEGER: Thank you very much, Senator.

What is your understanding of the position we put ourselves in when we do an extension of last year's budget, knowing that we are now technically in a -- or will be in a

few days -- in a new fiscal year with an admitted $11 billion deficit? So the fact that we will continue on this current year's budget model for a year we are walking into with, again, an estimated $11 billion deficit, what is the impact on a week-by-week basis for our state by spending at last year's level with this year's fiscal crisis?

SENATOR JOHNSON: Senator, this bill pays the bills due this week. That has to be done.

As far as what I think about the future, I think that's a question to be asked of the Governor and the other two men that belong in the room. And when they get that done, we will have a budget.

And so you should encourage all the members of the Democrat party that you know in the other house to work together with Bruno and the Governor and get a budget done.

SENATOR LIZ KRUEGER: Mr. President, through you, on the bill.

ACTING PRESIDENT ROBACH: On the bill.

SENATOR LIZ KRUEGER: Thank you.

Senator, I -- excuse me. Mr. President, I appreciate Senator Johnson's comments and responses to my questions. And I appreciate particularly his last statement, because it highlights to me in fact the problem that we face today, that, one, we are not working on the budget in this house.

You suggested that Democrats should talk to Democrats, Republicans should talk to Republicans in the two houses and get, quote, the Governor and the two other men to deal with the budget, and when they deal with the budget we'll have the answers.

I would argue that in fact our job as legislators in the Senate of New York is to in fact work on getting to that point for our house, the Senate, then negotiating in conference committees with the other house, the Assembly, on both sides of the aisle, regardless of party. The constituents in my district who are Republican or Democrat or independent aren't interested in party titles, they are interested in our getting a budget done, a budget done on time, a budget that in fact meets the realities and needs of our

state.

And the reason for my last question to you was the fact that I am very concerned that we are continuing down the road of a budget from last year that was technically unbalanced, which is why we ended up the fiscal year conceivably with as much as a $5 billion deficit by the end of this month, when you calculate what we did and didn't do, and that we are now walking into a new fiscal year with a larger fiscal deficit and the 5 -- and I could be wrong, the $4 billion to $5 billion deficit we're ending this year with, and that we have in fact nothing to say to our constituents about the fact that we can't explain what's going to happen with education funding, with healthcare funding, with our tax policies.

We watch as our counties continue to increase their taxes to deal with the fact that at the state level we aren't coming forward with even proposals for a balanced budget on the revenue side or the decisions we make on expenditures. I worry that my school system is walking into their projections for

next September with the expectation of a loss of hundreds of millions of dollars in revenue for our public education system.

I, as I assume every one of us is being approached by the constituents in our districts, talking about education issues, healthcare issues, the risk of closing hospitals, the increase in local taxes.

And that the answer for us is not to pass extender bills based on an extension of last year's flawed budget, the answer is for us to sit down, roll up our sleeves and move forward with this year's budget, I certainly hope a better budget than last year's budget.

Unfortunately, what we get handed so far are proposals from the Governor that leave us in bigger fiscal crisis than we've been in, that do not come up with revenue answers for this government or for the people, that leave our school districts and our localities literally in panic over how they will pay their own bills or how they will deal with their own revenue shortfalls.

And so I also will not be voting

for this extender bill today, because I do not believe that I can justify to my voters at home the failure of this house to even have a good-faith effort to answer the questions that I believe all 62 of us get in our district offices, in our offices across the hall in the LOB every day: What are we doing, how are we going to resolve this problem for our localities, for our state?

And so I don't believe that doing this extender bill, which I believe will be one of multiple one-week if not two-week and three-week extender bills, will get us anywhere closer to solving the problems.

Thank you very much, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Krueger.

SENATOR JOHNSON: Mr. President.

ACTING PRESIDENT ROBACH: Senator Johnson.

SENATOR JOHNSON: I'd just like to -- it's not an answer to a question, it's just a statement.

On March 10th, we knew how much money was available. We had an agreement on

so-called avails between both houses. Do you recall that? And we know we need additional money. Now, we can't put a budget through expending all the money that people want to spend if we don't have a place to get the money from.

And if you happen to read the newspapers lately, you'll see that Shelly has a proposal, Joe has a proposal, the Governor has a proposal. And we've been meeting for a couple of months, this Finance Committee has been meeting for a couple of months to try to get agreement three ways. We haven't got it yet.

That's no failure of the people who you're going to deprive of their Social Security or Medicaid or other payments, welfare, et cetera, OMRDD. These people, who we're going to pay the bills for this week, didn't do anything wrong. They don't deserve to be punished.

But we deserve to get our act together. And our committees have been functioning, irrespective of your knowledge of that. And they have been doing the same thing

in the Assembly. And they're trying to get an agreement which the Governor will sit down and okay which raises $3 billion or $4 billion or $5 billion that we need to put this budget together.

We're working on it every day. That's all I can tell you. And we're going to continue working on it. And we'll continue paying the bills until that's resolved.

ACTING PRESIDENT ROBACH: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I don't think anyone here is suggesting that there aren't other members of the Senate on the Finance Committee and the Assembly on the Ways and Means Committee who are trying -- who are trying to accomplish something.

I think what we're saying is that this has been going on for too many years and we hide behind this mutual pact of secrecy where we all tell our constituents we're working real hard, we're working real hard. And we're just not getting the results. If

this was a private business, we would have all been fired.

At a certain point in time you have to say we're not giving people an honest budget. We know this is going to pass. We know no one is going to be deprived of any payments. I can't in good conscience, though, vote for this, because I have to express my frustration, my concern, and my sincere belief that the system of business as usual, of missing deadlines and passing extenders and telling everyone we're working on things even if we are not, has to end.

So that's why I'm voting no. I do know that there are people very concerned on both sides of the aisle who are working very hard and are as frustrated as I am -- maybe don't have the freedom to vote no as I do. But that's the statement we're making today.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Is there any other member wishing to be heard?

Senator Sabini.

SENATOR SABINI: Yes, Mr. President, on the bill.

ACTING PRESIDENT ROBACH: On the bill.

SENATOR SABINI: Mr. President, I want to echo the statements that Senator Schneiderman has made.

While I don't doubt Senator Johnson's sincerity in saying that people are working on this, the fact of the matter is there's a deadline. The deadline comes at midnight.

There's a strange irony to the fact that tomorrow thousands of healthcare workers will be here in this city to lobby on the budget, even though the schedule says the budget would have been passed already. So even the general public is wise to this at this point, and they're part of the game.

But games are for children. We're not elected to play games, we're elected to do a budget.

You know, it's funny, for ten years I served on the City Council. Senator Dilán is here, he served with me as well. Senator Golden, on the other side of the aisle, served for a number of those years as well.

And in New York City, we got the budget done on time every year, through good years and bad years. And sometimes the good years were tougher to get the budget done from when there's money around and there's more demands on it. But it got done, because there was a will to get it done.

So that I concur with Senator Schneiderman that the tacit or implicit acceptance of the process by passing extenders really should be stopped. Games belong in the street with kids. Kabuki plays belong in Japan, not here. And the fact that we are elected to perform an action should be recognized.

We all run for this office. You go out in the street and you meet people. And I got to tell you, no one said to me during the campaign: "You know, the way they do budgets in Albany, keep it up. That's what we're sending you there for. That's the way we want it done." No one said that, amazingly enough. Instead, people said: "Why do you want to go up there? It seems to be this strange process that none of us understand, but we're told it

comes out all right at the end."

Well, if it comes out all right at the end, it can come out all right on time. And whether that's the fault of anyone in this room or on the other side of the building or on another floor of this building, it's time to sort of own up to the fact that maybe we're all a little at fault and we should, as a unit, press for making things a little more logical and a little more under the rule of law, as the state law is supposed to be upheld, and that we do these things in a manner that makes us proud to be part of the process, not part of a process that we make excuses for.

And so I will be voting with Senator Schneiderman and others on this.

Thank you.

ACTING PRESIDENT ROBACH: Senator Onorato.

SENATOR ONORATO: Mr. President, I'm here twenty years, and I have never been invited to be a fourth man or a fifth man to join in with the negotiations on the second floor.

Senator Johnson has urged us to get together with our colleagues in the Assembly, and he should get together with his colleagues in the Assembly on the Republican side.

Tomorrow is the deadline for passing our budget. A number of years ago we initiated joint legislative committees to convey our feelings on breaking the stalemate of the late, late budgets. We are always pressed to the brinkmanship, like going to war. But when is our war going to begin in both houses? In June, or perhaps next September?

Tomorrow is the deadline. Why are not our two conference houses meeting to iron out their differences and pass a budget on time?

I am sick and tired of passing extenders, because we never know what's coming on down the line. So I too am putting my foot down. I'm not going to vote for any extenders.

ACTING PRESIDENT ROBACH: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you,

Mr. President. We seem to have a ball rolling here. I've just made up my mind not to vote for this budget either, this bill.

And I think I can take a lesson from the work that my husband does concerning this particular situation that we're now in. He's a labor/management negotiator. And the way they resolve their differences, many of you may know, is that when they have hit the wall and they are absolutely at an impasse, they simply continue working. He has in some cases gone 48 hours without sleep.

And it's amazing how people who feel very, very passionately and strongly about particular features within a contract, suddenly, when you're deprived of sleep for a number of -- and I'm not suggesting this. But when you're deprived of sleep, it's amazing how things seem to fall much more into place.

I'm not saying that we should go without sleep. But I think it would not be a bad idea if we considered staying up here day after day -- that ought to influence us -- and just staying here until we get it done.

The conference committee idea is

such a wonderful -- you know, the way to operate. It's done in so many states. It's done in Congress in Washington, D.C. It works. I don't know why we simply don't say we tried it once, it was successful, let's try it again.

What we're doing is simply criminal.

ACTING PRESIDENT ROBACH: Senator Lachman.

SENATOR LACHMAN: Yes, I also rise, Mr. President, to speak on my vote.

A few hours ago I decided to do the fiscally correct thing, the fiscally conservative, correct thing. And the fiscally conservative, correct thing is to vote against this extender.

Extenders are irresponsible. They might give you a quick lift and an easy way out, but they do not go to the real heart of the issue.

We as legislators must seize the initiative. We respect our leadership. We respect our Governor. But we want to show them and our constituents that we are

legislators, we are not pawns in a chess game. We want a budget passed by April 1st.

Thank you.

ACTING PRESIDENT ROBACH: Senator Parker.

SENATOR PARKER: Thank you, Mr. President. I rise to join the chorus of my colleagues who are voting against this extender.

And we're not voting really against the bill as much as we are voting against the principle of continuing to do things as usual. As many of you know, I was elected in the 62nd seat of this illustrious body and really given a mandate, a mandate to do things differently, to really represent my district, to really have folks get the things and the resources that they need and deserve.

This doesn't represent that, Mr. President. We really ought to be looking at a process that in fact allows us to pass a budget on time. The impact of late budgets has detrimental effects in everyone's district. This is not something that just affects Brooklyn or just affects upstate, this

affects the entire state. And not just counties and boroughs, but actual individual institutions.

We are now, you know, in a situation where for 18 years, 18 years this Legislature has not been able to pass an on-time budget. That's over half of my life. If some of you have children who are freshmen in college, in their lifetime there has not been an on-time budget in this state.

And that's absolutely just ridiculous. And we really need to make a commitment to moving forward and doing things the way they should be done.

In addition, we have an extender that leaves out vital programs. We really have to be clear that a budget is more than just numbers, a budget is a set of values and priorities. And what we're being told here now is that the programs that are important in terms of developing housing, in terms of protecting health, in terms of, you know, education are not important to this Legislature. And I refuse to vote for that.

We are now institutionalizing --

this is the same thing that the city did a couple of years ago when they created the Department of Homeless Services and institutionalized the problem and in fact decided that it was going to create an economic incentive to keep the problem around. And that's what we've done.

And, Mr. President, I know that most of us don't want to see that done. We want to in fact serve the folks in our communities. We want to make sure our community organizations and our municipalities and our school districts get the required funding.

And so I urge everyone here to vote no on this, and let's vote for a real budget.

Thank you.

ACTING PRESIDENT ROBACH: Senator Stavisky.

SENATOR STAVISKY: Mr. President, not to belabor the point. It sounds a little bit like a Greek chorus. But it's a Greek chorus that's part of a tragedy that's occurring here. We can't seem to get it right.

As I'm looking at the legislation in the appropriation bills, I notice what's left out. In education we have left out the small city school districts. We have left out advances to the Hurd decision cities. And, my friend on the other side of the aisle, this affects your districts.

Categorical aid is left out. There are many things that have been omitted from this budget. And I think it's time that we sat down as a conference committee to work out any differences.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator Andrews.

SENATOR ANDREWS: Yes, Mr. President, on the bill.

Last year I voted on the budget reluctantly, a budget that was not balanced, a budget that robbed Peter to pay Paul, a budget that took money from the TANF funds to help cut back the budget increase or potential tuition increase to CUNY and SUNY.

And today I look at this budget extension, and all it requires me to do again

is to vote for something that I'm unsatisfied with. Well, today I'm not going to do that. Today I'm going to stand here and vote no against this budget extension because it's overbudgeted. We are in a deficit right now.

The residents who sent me up here to Albany did not just send me up here to rubber-stamp budgets as they come out. So therefore I'm voting no on this extension.

ACTING PRESIDENT ROBACH: Thank you, Senator Andrews.

Does any other member wish to be heard on this bill?

If none, read the last section.

THE SECRETARY: Section 25. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 345 are Senators Andrews, Breslin, Brown, Diaz, Dilán, L. Krueger, Lachman, Montgomery, Onorato, Oppenheimer, Parker, Paterson, Sabini, Schneiderman, A. Smith, and Stavisky. Ayes,

43. Nays, 16.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 346, by the Senate Committee on Rules, Senate Print Number 3616, an act to amend Chapter 81 of the Laws of 2002.

ACTING PRESIDENT ROBACH: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. Briefly on the bill.

Everything that has to be said has been said. I'm voting no on this bill, which is the companion to the previous bill, for the same reason.

ACTING PRESIDENT ROBACH: Is there any other member wishing to be heard on this bill?

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in

the negative on Calendar Number 346 are Senators Andrews, Breslin, Brown, Diaz, Dilán, L. Krueger, Lachman, Montgomery, Onorato, Oppenheimer, Parker, Paterson, Sabini, Schneiderman, A. Smith, and Stavisky. Ayes, 43. Nays, 16.

ACTING PRESIDENT ROBACH: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Could you recognize Senator Lachman for the purposes of changing a vote or recording a vote, I believe.

You don't wish to change a vote? I don't want to vote for you, Senator, but I was informed that you might wish to be recorded --

Mr. President, is there any housekeeping at the desk?

SENATOR LACHMAN: You're right. I was out of the chamber.

SENATOR KUHL: I don't wish to vote for you, Senator, but we're just trying to keep the record straight here.

SENATOR LACHMAN: Thank you kindly. I was out of the chamber.

On Senate Bill 3576, I would like unanimous consent to be voting in the no.

ACTING PRESIDENT ROBACH: Without objection.

Senator Kuhl, there's no housekeeping at the desk.

SENATOR KUHL: Would the chair then recognize Senator Schneiderman for a -- I believe he has a motion to petition.

ACTING PRESIDENT ROBACH: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I believe there's a motion at the desk. I would request that I be heard very briefly on the motion.

ACTING PRESIDENT ROBACH: The reading is waived. Please speak on the motion.

SENATOR SCHNEIDERMAN: Thank you.

This is a motion to bring to the floor a piece of legislation, Senate 379, which we call the "gun-free kids law." It's a very simple bill. It is law in many other stay states. It simply requires people who

have children in their homes to lock up their guns.

This is something that is approaching a national catastrophe. In 2000 we passed a bill requiring that trigger locks be sold with guns, but there's no requirement that they be used.

Guns that are not secured in the home are responsible for many, many murders, many, many suicides, and many, many accidental shootings. 53 percent of the spousal murders in the United States are committed with firearms in the home. 1,134 people in the last year for which we have records -- many of them children -- were killed accidentally or unintentionally by firearms kept unlocked in the home.

This is something that doesn't require complicated budget machinations. This is something that will save people's lives. Let's require that firearms be locked up.

If you don't care about your own kids, think about those of us who have children who come over to your house to play. I don't want my daughter going into a house

where there's a gun and it's not locked up. I don't think any parent does.

I urge that everyone support this motion, we bring this bill to the floor and act on it as soon as possible.

Thank you.

ACTING PRESIDENT ROBACH: Those Senators in agreement with the petition out of committee please signify by raising your hand.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Brown, Diaz, Dilán, L. Krueger, Lachman, Montgomery, Onorato, Oppenheimer, Parker, Paterson, Sabini, Sampson, Schneiderman, A. Smith, and Stavisky.

ACTING PRESIDENT ROBACH: The petition is defeated.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. There being no further business to come before the house today, I move that the Senate stand adjourned until tomorrow, April 1st, at 3:00 p.m.

ACTING PRESIDENT ROBACH: On motion, the Senate stands adjourned until

Tuesday, April 1st, at 3:00 p.m.

(Whereupon, at 5:16 p.m., the Senate adjourned.)