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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 29, 2005

3:26 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

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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 is a familiar face, the Reverend
Peter G. Young, pastor of Blessed Sacrament
Church in Bolton Landing, New York.

REVEREND YOUNG: Let us pray.
The God that we all have been
created by has given us the command to love
one another. We're also called to take care
of the needy. And in our desire to make us
share in this love, God calls us to aid in
gentle kindness to all of those that are weak,
sick or unfortunate.

In God's love of us, we're called
to help the least among us and show mercy to
them. May we always be that kind of
legislator.

We ask You this now and forever.

1 Amen.

2 THE PRESIDENT: Reading of the
3 Journal.

4 THE SECRETARY: In Senate,
5 Monday, March 28, the Senate met pursuant to
6 adjournment. The Journal of Sunday, March 27,
7 was read and approved. On motion, Senate
8 adjourned.

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

12 Presentation of petitions.
13 Messages from the Assembly.
14 Messages from the Governor.
15 Reports of standing companies.
16 The Secretary will read.

17 THE SECRETARY: Senator Johnson,
18 from the Committee on Finance, reports the
19 following bills:

20 Senate Print 550E, Senate Budget
21 Bill, an act making appropriations for the
22 support of government;

23 551B, Senate Budget Bill, an act
24 making appropriations for the support of
25 government;

1 553E, Senate Budget Bill, an act
2 making appropriations for the support of
3 government;

4 554E, Senate Budget Bill, an act
5 making appropriations for the support of
6 government;

7 555E, Senate Budget Bill, an act
8 making appropriations for the support of
9 government;

10 3666, by the Senate Committee on
11 Rules, an act to amend Chapter 152 of the Laws
12 of 2001;

13 3667, by the Senate Committee on
14 Rules, an act to amend the Labor Law;

15 3668, by the Senate Committee on
16 Rules, an act to amend the Public Health Law;

17 3669, by the Senate Committee on
18 Rules, an act to amend Chapter 728 of the Laws
19 of 1982;

20 Senate Print 3670, by the Senate
21 Committee on Rules, an act to amend the
22 Transportation Law;

23 And Senate Print 3671, by the
24 Senate Committee on Rules, an act to amend the
25 Tax Law.

1 All bills ordered direct to third
2 reading.

3 THE PRESIDENT: Without
4 objection, all bills ordered direct to third
5 reading.

6 Reports of select committees.

7 Communications and reports from
8 state officers.

9 Motions and resolutions.

10 Senator Farley.

11 SENATOR FARLEY: Thank you, Madam
12 President.

13 On behalf of Senator Marcellino,
14 Madam President, on page 18 I offer the
15 following amendments to Calendar Number 315,
16 Senate Print 1286, and I ask that that bill
17 retain its place on the Third Reading
18 Calendar.

19 THE PRESIDENT: The amendments
20 are received, Senator Farley, and the bill
21 will retain its place on the Third Reading
22 Calendar.

23 Senator Bruno.

24 SENATOR BRUNO: Madam President,
25 are there any substitutions at the desk?

1 THE PRESIDENT: Yes, there are,
2 Senator.

3 SENATOR BRUNO: Can we make those
4 substitutions at this time.

5 THE PRESIDENT: The Secretary
6 will read.

7 THE SECRETARY: On page 5,
8 Senator Padavan moves to discharge, from the
9 Committee on Local Government, Assembly Bill
10 Number 5866A and substitute it for the
11 identical Senate Bill Number 2955A, Second
12 Report Calendar 386.

13 THE PRESIDENT: Substitution
14 ordered.

15 Senator Bruno.

16 SENATOR BRUNO: Madam President,
17 can we at this time adopt the Resolution
18 Calendar, with the exception of Resolution
19 Number 1068.

20 THE PRESIDENT: All in favor of
21 so adopting the Resolution Calendar please
22 signify by saying aye.

23 (Response of "Aye.")

24 THE PRESIDENT: Opposed, nay.

25 (No response.)

1 THE PRESIDENT: The calendar is
2 so adopted.

3 Senator Bruno.

4 SENATOR BRUNO: Madam President,
5 can we at this time have Resolution 1068, by
6 the very distinguished Senator Farley, having
7 read the title only and move for its immediate
8 adoption.

9 THE PRESIDENT: The Secretary
10 will read.

11 THE SECRETARY: By Senator
12 Farley, Legislative Resolution Number 1068,
13 memorializing Governor George E. Pataki to
14 proclaim April 10 through 16, 2005, as Library
15 Week in the State of New York.

16 THE PRESIDENT: Senator Farley.

17 SENATOR FARLEY: Thank you, Madam
18 President.

19 This is a very significant
20 resolution which we do every year. And
21 incidentally, it's jointly sponsored by the
22 distinguished Senator from Rensselaer County
23 and Saratoga County, Senator Bruno.

24 And I would like to open up that
25 resolution to all members of the Legislature,

1 if you would be interested.

2 SENATOR BRUNO: Thank you very
3 much, Senator.

4 SENATOR FARLEY: And if not
5 interested, please notify the desk. Everybody
6 will be on unless they object.

7 THE PRESIDENT: Any member who
8 did not wish to be a sponsor, please notify
9 the desk.

10 All in favor of the resolution
11 please signify by saying aye.

12 (Response of "Aye.")

13 THE PRESIDENT: Opposed, nay.

14 (No response.)

15 THE PRESIDENT: The resolution is
16 adopted.

17 Senator Bruno.

18 SENATOR BRUNO: Madam President,
19 can we at this time take up Calendar Number
20 269.

21 THE PRESIDENT: The Secretary
22 will read.

23 THE SECRETARY: In relation to
24 Calendar Number 269, Senator Johnson moves to
25 discharge, from the Committee on Finance,

1 Assembly Bill Number 550C and substitute it
2 for the identical Senate Bill Number 550E,
3 Third Reading Calendar 269.

4 THE PRESIDENT: Substitution
5 ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 269, Assembly Budget Bill, Assembly Print
9 Number 550C, an act making appropriations for
10 the support of government, PUBLIC PROTECTION
11 AND GENERAL GOVERNMENT BUDGET.

12 SENATOR PATERSON: Explanation.

13 THE PRESIDENT: Senator Bruno.

14 SENATOR BRUNO: Madam President,
15 since an explanation has been requested, we
16 are going to have to ring the bill and ask the
17 members that are not in the chamber to come
18 into the chamber, because this will be under
19 the controversial reading of the calendar.

20 THE PRESIDENT: The Secretary
21 will ring the bell.

22 SENATOR BRUNO: And can we stand
23 at ease -- for seconds -- for members to get
24 to the chamber.

25 Thank you.

1 THE PRESIDENT: You're welcome,
2 Senator Bruno.

3 The Senate will stand at ease.
4 (Whereupon, the Senate stood at
5 ease momentarily.)

6 THE PRESIDENT: Senator Bruno.

7 SENATOR BRUNO: Thank you, Madam
8 President and colleagues.

9 This bill that is presently on the
10 floor starts us in the budget process. And we
11 are doing something here this afternoon that
12 is historical as it relates to being able to
13 get a budget done on time for the first time
14 in 21 years.

15 And that is to the credit -- and
16 that is after the Court of Appeals decision
17 that created some real contentious problems in
18 the process.

19 And there's enough credit in
20 getting this bill to the floor, which deals
21 with government, local government and public
22 protection. Anyone that has been involved,
23 from all of my colleagues here in the chamber,
24 the Speaker and all the members in the
25 Assembly, the Governor, in all of the public

1 meetings -- never, in the years that I have
2 been in office, have I participated in such an
3 open and deliberative process. For months.
4 Never once was there a private,
5 behind-closed-doors so-called meeting,
6 three-men-in-a-room kind of thing.

7 So this is really a credit to
8 everyone that we are here together, starting
9 this process, which we hope to conclude by
10 Thursday, March 31st, in daylight. In
11 daylight.

12 (Laughter; applause.)

13 SENATOR BRUNO: Thank you. Thank
14 you.

15 Really almost -- well, every
16 member, 212 legislators have been involved in
17 some way directly in this process.

18 And Senator Paterson, as part of
19 the general conference committee, with our
20 colleagues in the Assembly, with the Speaker,
21 and with the leader there, Minority Leader
22 Nesbitt, participated in every open discussion
23 with the general conference committee.

24 And it's because of the exchanges,
25 the participation, the negotiation, the

1 deliberation, done in a cooperative way that
2 got us to a compromise. And you get a budget
3 done in this state by compromising, and in no
4 other way.

5 Is there anything in this bill or
6 in what we're going to do tomorrow and
7 Thursday that every one of 212 legislators
8 would like to see done? Absolutely not. But
9 is this a budget that serves the needs of the
10 people? Will it hold the constitutional test?
11 Absolutely yes. Will the Comptroller be able
12 to certify this budget as a balanced budget?
13 Absolutely yes.

14 And for those that want to talk
15 about some of what was laid aside, which were
16 issues that we could not incorporate in this
17 \$105 billion package that we're starting
18 today, we will take up tomorrow, the next day,
19 and as we go on with the rest of session.

20 So this is the beginning of
21 offering to the people of this state and
22 providing for the people of this state what is
23 required to meet their needs in education,
24 higher ed, health, the infrastructure of this
25 state that moves people throughout this state

1 and across this great country of ours.

2 So I'm indebted to my colleagues
3 here in the chamber, to Senator Paterson,
4 Speaker Silver, Governor George Pataki, for
5 helping us to get to where we are, which is
6 the beginning of a budget process that will be
7 balanced, legal, on time, passed by -- with
8 your indulgence, and the other house --
9 March 31st.

10 Thank you, Madam President.

11 THE PRESIDENT: Senator Paterson.

12 SENATOR PATERSON: Thank you,
13 Madam President.

14 I think it's been so long that
15 we've passed a budget in this state on time,
16 meeting the constitutional deadline at
17 March 31st, that we've actually forgotten or
18 never knew what those budgets were like. And
19 looking back on them, as we look back on so
20 many experiences in our lives and in history,
21 I think we remember those processes as being a
22 lot more effective than they actually were.

23 Given the opportunity to actually
24 sit in this chamber a few times when I was a
25 teenager, I assure you that those periods of

1 time, while they may be remembered and regaled
2 well by those who were there, still engendered
3 a great deal of controversy and disagreement
4 right within this chamber. And those budgets
5 were barely acceptable to the majority of
6 those who voted on it, as they split feeling
7 that it didn't do enough or did too much.

8 So the budgets that passed on
9 March 31st, when they would often stop the
10 clock in this chamber until 4 or 5 o'clock in
11 the morning -- it would read 11:59, so they
12 could technically be in compliance with the
13 budget deadline, even though the world had
14 moved six hours while they were working on
15 it -- still, what we have accomplished in this
16 very short period of time, and to compare it
17 to an August 11th budget of last year, is
18 really quite mind-boggling.

19 This is a budget of which I can
20 probably think of a couple of hundred things
21 that I have issues with, and I'm sure so could
22 those of my colleagues sitting in this chamber
23 on either side of the aisle, and particularly
24 to Leader Bruno.

25 But that is what we are trying to

1 inject back into government, that though we
2 disagree, we still observe and we still have
3 respect for the deadlines and the
4 prescriptions that bring us to public office.
5 We demand this of our children in school, we
6 demand this in business, and we need to demand
7 this in the Legislature of the State of
8 New York.

9 So to Governor Pataki and Speaker
10 Silver and Leader Nesbitt, I would certainly
11 want to thank them for their participation.
12 But I particularly would like to thank the
13 leader of this house, Senator Bruno, who, when
14 he came to be the leader, demanded that we
15 start sessions on time and organized this
16 entire chamber in a way that it had not been
17 before. I kind of get the feeling that he has
18 always been advocating for this.

19 And the additional public interest
20 that I hope we have tried to generate in that
21 direction also has contributed to what appears
22 to be the opportunity to pass these bills and
23 to be within compliance of our constitutional
24 mandate by Thursday night at midnight. And
25 that's the real midnight, not the one that

1 reads on the Senate clock.

2 So in that spirit, I think that we
3 will continue to disagree. There will be
4 issues that we have to administer after the
5 budget. There are biting and principled
6 values that are going to compel some of our
7 colleagues to question what we've actually
8 done.

9 And yet at the same time, even if
10 it is symbolic, the fact that we are beginning
11 to demonstrate that we are aware of the
12 outside world beyond this Capitol, and how
13 people are feeling about our discharge of our
14 duties, urges me that we are taking a step in
15 the right direction by beginning to pass
16 budget bills today.

17 So I want to thank all of my
18 colleagues that participated in the process.
19 There were 110 members on the conference
20 committees and another 102 members that were
21 contributing by being further aware than at
22 any point before. And it's been my pleasure
23 to be a part of it and to serve with all of
24 you.

25 And so, Senator Bruno, I can't

1 think of anything I disagree with right now,
2 but if you give me a few minutes, I will.

3 Thank you.

4 THE PRESIDENT: Does any other
5 member wish to be heard?

6 Then the debate is closed.

7 The Secretary will ring the bell.

8 Read the last section.

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

11 THE PRESIDENT: Call the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 THE PRESIDENT: The bill is
15 passed.

16 Senator Bruno.

17 SENATOR BRUNO: Madam President,
18 can we at this time take up Calendar Number
19 394.

20 THE PRESIDENT: The Secretary
21 will read.

22 THE SECRETARY: In relation to
23 Calendar Number 394, Senator Johnson moves to
24 discharge, from the Committee on Finance,
25 Assembly Bill Number 6840 and substitute it

1 for the identical Senate Bill Number 3666,
2 Third Reading Calendar 394.

3 THE PRESIDENT: Substitution
4 ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 394, by the Assembly Committee on Rules,
8 Assembly Print Number 6840, an act to amend
9 Chapter 152 of the Laws of 2001.

10 SENATOR SCHNEIDERMAN:
11 Explanation.

12 THE PRESIDENT: Senator Bruno.

13 SENATOR BRUNO: This is the
14 Article VII language that implements the
15 appropriation of the bills that we passed.

16 And I believe Senator Balboni wants
17 to be heard on this, and there may be others.

18 Thank you, Madam President.

19 THE PRESIDENT: Senator Balboni.

20 SENATOR BALBONI: Yes, thank you,
21 Madam President.

22 This is the public protection bill
23 that represents several achievements, not only
24 from the perspective of New York State but,
25 frankly, from the perspective of the nation as

1 a whole, particularly as it relates to
2 homeland security.

3 Included in this appropriation is a
4 \$367 million pass-through from the federal
5 government. The significance of that is that
6 many of my colleagues, particularly from the
7 City of New York, have recognized that
8 homeland security dollars have not been spent
9 based upon threat but, rather, have been spent
10 based upon pork. That's a shame.

11 This bill, this appropriation
12 signals a change in that ideology. As a
13 result of Congress's action in the last budget
14 cycle, we now have the urban area security
15 initiatives -- specifically, the City of
16 New York and the City of Buffalo -- receiving
17 a greater share, predicated upon their threat
18 profile. This is a significant step, not only
19 for the State of New York and the brave
20 first-responders in our communities, but also
21 from the national perspective in terms of
22 making us safer.

23 The bill also does two other
24 things. It continues the hope and the faith
25 that this state can do something that no other

1 state has been able to achieve in this nation,
2 and that is the development of the first of
3 its kind statewide wireless network system,
4 where first-responders can talk to one another
5 in a way that is clear, that is reliable, and
6 that is timely.

7 This public protection bill affords
8 \$7 million, which is a continuing stream as
9 that project, the largest technology
10 acquisition in the state's history, continues
11 to roll out.

12 And, lastly, this public protection
13 budget continues something that was begun by
14 Senator Vincent Leibell, who saw the need to
15 provide greater protection for nuclear power
16 plants, particularly Indian Point. Now, in
17 working with Senator Mike Nozzolio, they have
18 gotten the Division of Military and Naval
19 Affairs to appropriate, over several years,
20 over a million dollars for patrol boats to go
21 and provide really necessary security to
22 augment what is out there with the Coast Guard
23 now.

24 These are great little steps. They
25 reflect our continuing belief that security is

1 something that must be taken seriously and
2 consistently and constantly.

3 And I think that, first of all,
4 Senator Volker, your leadership on the
5 conference subcommittee was terrific. But
6 also, you know, Joe Lentol, Assemblyman Joe
7 Lentol. These guys wanted to close, and that
8 was terrific for this. And I think New York
9 is safer as a result of this bill.

10 Thank you very much, Madam
11 President.

12 THE PRESIDENT: Senator
13 Schneiderman.

14 SENATOR SCHNEIDERMAN: Thank you,
15 Madam President. Very briefly. I did not
16 have any questions on homeland security, I
17 just want to make that clear.

18 The process as has been described
19 by Senators Bruno and Paterson as we're
20 passing the first two bills today, I want to
21 emphasize something on behalf of the people
22 who have been working and watching in
23 sometimes amazement and sometimes puzzlement
24 at the process. And I do want to say
25 something in particularly related to the legal

1 issue that was alluded to by my colleague on
2 the other side of the aisle.

3 This is something that I think it's
4 very important for everyone here to take into
5 account. In addition to the political will
6 that Senator Bruno and Senator Paterson spoke
7 about, and the fact that finally, after many,
8 many years, we've gotten the political guts to
9 go ahead and actually work on a compromise
10 budget, this budget took extraordinary
11 artistry in drafting. And I don't want that
12 to go by unsaid.

13 I've had discussions and arguments,
14 as lawyers have arguments, about the relative
15 merits of the Court of Appeals decision in
16 Silver v. Pataki. But I have to say, as a
17 matter of particular respect to the lawyers
18 who worked on this legislation in this house
19 and in the Assembly, we would not be moving
20 this today, we would not be able to overcome
21 the obstructions that are so easy to find on
22 the road to an on-time budget, if it wasn't
23 for some remarkable work.

24 And as we look at the bills and
25 look at the additions and the artistry of the

1 additions and the artistry of what they're
2 calling the set-asides, this is quite an
3 accomplishment. And I think it actually
4 does -- and we've been arguing about this for
5 most of the last year -- this does show a way
6 for us to resolve some of these issues.

7 And I think that it is possible
8 there will be further court action on it. But
9 I do want to say a special word about that.
10 This is something that is a good piece of
11 lawyering as well as some extraordinary
12 politics to get this done.

13 I join with Senator Paterson; there
14 are things about the two bills we're passing
15 today that I would do differently. I would
16 authorize more funding for the comptroller to
17 have auditors to audit every school district
18 in the state as fast as possible. That's
19 something that should not be delayed for lack
20 of funding.

21 But on an overall basis,
22 considering how many compromises have been
23 made -- and I recognize how many compromises,
24 frankly, have been made by conservatives
25 towards views that are more similar to mine --

1 I have to say that I am quite happy to vote in
2 support of this legislation today, and I'm
3 happy that we have a chance to do it in
4 daylight in the month of March.

5 Thank you.

6 THE PRESIDENT: Senator Volker.

7 SENATOR VOLKER: Madam President,
8 very quickly. I just want to echo what's been
9 said.

10 And as somebody who's been here for
11 all the conference committees -- of course
12 Assemblyman Lentol and I, who came to the
13 Assembly together more years ago than maybe I
14 would like to remember -- and we are the last
15 two left in the Legislature, I want to point
16 out, last two in the Legislature who are from
17 the largest freshman class in the history of
18 the New York State Assembly, 1972. We've
19 always worked very well together. And in
20 fact, the members of the conference committee
21 on both sides really did an excellent job.

22 But I want to say something that's
23 kind of interesting. As we were going through
24 the conference reports -- and of course those
25 of us that were there know that we had

1 gathered in certain issues as time went on
2 because we were moving so quickly -- there
3 were several issues that kind of floated from
4 one conference committee to another, including
5 the boat, which we said the boat was
6 originally -- the boats, Vin Leibell's boats
7 and Mike Nozzolio's boats. And we finally
8 said: Send us the boats, we'll make sure they
9 float.

10 Now, those are the boats, by the
11 way -- obviously, we're being a little
12 jocular, but in homeland security it's -- one
13 of the things we've learned is that you've got
14 to really look at the details. And one of the
15 details is protecting our nuclear power plants
16 and a lot of the other areas of our state.
17 And we made sure that that was done in this
18 bill in the conference committee.

19 The final thing I want to say is
20 that one very interesting thing happened, and
21 my colleagues who weren't there can
22 understand. We got into a discussion about
23 the legal services assistance account and
24 about the district attorneys' tuition
25 reimbursement program. And we were talking

1 about how the money was gathering and it
2 hadn't been disbursed. So we were suggesting
3 we should draw up an agreement.

4 And then my counsel whispered in my
5 ear, said, well, we already did have an
6 agreement. Well, where is it? Well, the
7 Assembly never got to sign it.

8 So we all sat there and we said to
9 each other, why doesn't the Assembly sign it?
10 So the Assembly legislators turned back to the
11 staff and said, Why haven't we signed it? And
12 they said, We don't know.

13 So anyways, the bottom line is the
14 two-way memorandum of understanding for the
15 distribution of the funds has now been signed.
16 Which people didn't realize for some reason
17 hadn't been signed. But when we got in the
18 conference committee and we all started
19 talking -- and by the way, it's over
20 \$11 million that will be divided between the
21 two areas. And, frankly, it kind of sat there
22 because nobody quite realized that it hadn't
23 been signed.

24 I only point that out because it
25 was an interesting situation for me, because

1 it showed how sometimes in a process like we
2 are in here, just getting together and trying
3 to make some decisions, in gathering together
4 you find out something very simple can be
5 done. And that happened.

6 And I only point that out because
7 it was, in my humble opinion, one of the sort
8 of the victories, because we might have gone
9 on for two months worrying about whether we
10 should have another signing, and we realized
11 it was already there.

12 So I want to thank everybody
13 involved from my perspective. And of course
14 in my humble opinion, this house -- without
15 this house, we would not be about to pass a
16 budget on time, there's no question.

17 Joe Bruno, more than any other
18 leader I've ever been with -- and I've been
19 with a number of leaders -- has driven this
20 process to make sure it's done. And my
21 heartiest congratulations to Joe. And of
22 course also to David, because David's always
23 been a good friend and, frankly, a good leader
24 in attempting to make this process run.

25 And so it's a good day for us. And

1 I think it's a good day for the people of the
2 State of New York even more so, because you
3 have to understand that homeland security,
4 which is part of this, and criminal justice,
5 is so important.

6 There's only two -- really two
7 basic budgets that have escalated with
8 personnel over the last few years. One of
9 them's the State Police, as well it should be,
10 because we need these people for safety. And
11 the other one is homeland security. And if
12 anything was taught to us about 9/11, we've
13 got to be ready to be protected.

14 By the way, I just want to say one
15 more thing. In this budget too is a provision
16 that keeps the senior people in this complex,
17 the senior troopers. I think it's -- what is
18 it, 16? I can't remember what it is. Because
19 it's my opinion that their combined seniority
20 is something we desperately need to be
21 protected, in this building, the LOB and the
22 buildings here to be protected.

23 And I think we accomplished that in
24 our conference committee and made that
25 decision ourselves, to keep them here. So I

1 think everybody should be very proud of that.

2 THE PRESIDENT: Senator Nozzolio.

3 SENATOR NOZZOLIO: Madam

4 President, on the bill.

5 Madam President and my colleagues,
6 I rise to support this measure and to add
7 thanks to the efforts of Senator Volker and
8 Senator Balboni, Senator Leibell, Senator
9 DeFrancisco, those of us who worked very hard
10 to proffer very important criminal justice
11 reforms and to support our efforts to
12 establish and to continue our efforts, to
13 continue an effort to see zero tolerance for
14 violence in New York State.

15 One of the additions that I'd like
16 to mention that we took a step in the right
17 direction on, and that's expanding Megan's
18 Law. Senator Skelos pushed for Megan's Law a
19 number of years ago. We're further along in
20 our efforts to refine Megan's Law.

21 And that this measure before us
22 today will ensure an updating of information
23 about those who have been convicted of
24 sexual-predator offenses, and that we will see
25 additional information posted on the web about

1 such offenders as a result of the legislation
2 we're enacting this afternoon.

3 That we have taken great strides in
4 protecting crime victims, establishing zero
5 tolerance for violence in New York State,
6 trying to make it more difficult for those who
7 have been convicted of offenses against young
8 children to prey on children again. And that,
9 by and large, I believe that is a very good
10 step taken by this Legislature.

11 Madam President, we have much more
12 work to do. That we need to find alternative
13 uses for a number of correctional facilities
14 that we have in our state, and that we on this
15 side of the aisle are going to be working
16 continuously this next year to provide those
17 alternatives.

18 It's a good bill, we support it, we
19 want it to be adopted this afternoon.

20 THE PRESIDENT: Senator Marchi.

21 SENATOR MARCHI: Madam President,
22 I want to add my words of encomium to you,
23 Madam President. You have presided with
24 dignity and fairness, and that serves the
25 purpose of each and every member of this body.

1 But I remember in 1959 we voted the
2 last budget providing for less than a billion
3 dollars. And many things happened between now
4 and then. We've expanded our objectives very
5 widely. There are very few efforts that are
6 made in all of the states. We were the first
7 ones to reward and to help and to propel the
8 artistic in this state, and for many years we
9 were doing more than all the other states
10 combined.

11 There is so much that has been
12 happening here. And that's why I'd like to
13 remind my colleagues on both sides, all of you
14 make a contribution. All of you can say: I
15 had a hand in what we did.

16 Senator Bruno and the Majority have
17 the main responsibility under this system.
18 But I remember when Joe Zaretzki -- it only
19 happened in one term, but it did happen. And
20 he lived up with great distinction and in the
21 same spirit that animates the members of this
22 body.

23 So that when you participate in
24 something like this, it's something that we
25 have honored on both sides of the aisle. And

1 all of you, you have not wasted your efforts,
2 whether you are for or against an item.
3 Because you've all expressed yourself with
4 dignity, with honesty, with commitment. And
5 that is what 20 million New Yorkers urgently
6 want when they get that finished product.

7 So I just -- you know, I'm back
8 here, I -- people say, Well, you're still
9 going. Yes, because I enjoy it. I enjoy the
10 spirit that is engendered here, all of us
11 cooperating together.

12 I see them from the far reaches,
13 don't I, Marty?

14 So that regardless of where you are
15 sitting or where you are from, you have all
16 made a rich and enduring contribution to the
17 welfare of this state. And you do it so
18 civilly, so elegantly.

19 I don't -- I've bounced around, and
20 I've been in many of the other states, and I
21 don't see any other state that is even
22 remotely resembling the State of New York. We
23 recognize a wide area, whether it's in
24 studies, higher ed, all of the different
25 aspects of learning, the artistic aspects.

1 All of these are so important.

2 So you all make a contribution by
3 your very presence here. And there should be,
4 along with a good spirit of give and take, a
5 feeling of respect and affection that should
6 bind us into one body, which we are when we
7 submit our final product. It may not always
8 meet with anybody's complete -- but if they
9 did, if all of us agreed on every item that
10 was in the budget, none of us would have been
11 doing our duty.

12 So I don't know how much longer
13 I'll be coming back here, but I've enjoyed
14 every moment that I've been able to get back
15 here and to see people who are animated by the
16 same principles and the same honesty and
17 conviction. And I don't think they're just
18 faking it or anything. I believe that, when
19 push comes to shove, they do the very best
20 they can.

21 And it's a spirit that I -- just to
22 see -- I'm not going to be saying very much
23 before I got up or after I sit down. But I
24 can tell you, I've enjoyed it. And you've
25 enriched my life, all of you. There isn't a

1 single member here that I can't say did not,
2 and that you disappointed me. You have made
3 my -- my cup is running over, and I am very,
4 very grateful to each and every one of you.

5 (Extended standing ovation.)

6 THE PRESIDENT: Does any other
7 member wish to be heard?

8 Then the debate is closed.

9 The Secretary will ring the bell.

10 Read the last section.

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

13 THE PRESIDENT: Call the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61.

16 THE PRESIDENT: The bill is
17 passed.

18 Senator Skelos.

19 SENATOR SKELOS: Madam President,
20 if we could now go to the noncontroversial
21 reading of today's active list.

22 THE PRESIDENT: The Secretary
23 will read.

24 THE SECRETARY: Calendar Number
25 114, by Senator DeFrancisco, Senate Print 217,

1 an act to amend the Vehicle and Traffic Law,
2 in relation to child restraint seating
3 systems.

4 THE PRESIDENT: Read the last
5 section.

6 THE SECRETARY: Section 2. This
7 act shall take effect March 27, 2005.

8 THE PRESIDENT: Call the roll.
9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 61.

11 THE PRESIDENT: The bill is
12 passed.

13 The Secretary will continue to
14 read.

15 THE SECRETARY: Calendar Number
16 208, by Senator Skelos, Senate Print 487, an
17 act to amend the Penal Law, in relation to
18 establishing the Class E felony.

19 THE PRESIDENT: Read the last
20 section.

21 THE SECRETARY: Section 3. This
22 act shall take effect on the first of
23 November.

24 THE PRESIDENT: Call the roll.
25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60. Nays,
2 1. Senator Duane recorded in the negative.

3 THE PRESIDENT: The bill is
4 passed.

5 THE SECRETARY: Calendar Number
6 217, by Senator Volker, Senate Print 1537, an
7 act to amend the Penal Law, in relation to
8 consecutive terms of imprisonment.

9 THE PRESIDENT: Read the last
10 section.

11 THE SECRETARY: Section 2. This
12 act shall take effect on the first of
13 November.

14 THE PRESIDENT: Call the roll.
15 (The Secretary called the roll.)

16 THE PRESIDENT: Senator Volker,
17 to explain your vote.

18 SENATOR VOLKER: Yeah, Madam
19 President, I just want to say that this bill
20 actually was a bill that was initially
21 introduced by Senator Joe Galiber, who was a
22 member of this chamber for many years. And he
23 introduced it as a result of the Happyland --
24 what was the name of that? -- the fire in
25 New York City in which 80-some people were

1 killed. And I just want to make that clear,
2 this bill has been around for some time.

3 We are trying to make a compromise
4 with the Assembly on it. And given the fact
5 that this year we will probably have some time
6 to do some negotiating on criminal justice and
7 other things, other than the budget, we hope
8 maybe we can resolve this.

9 But this bill, by the way, is not a
10 mandatory bill. It's just a -- it is a
11 potential for consecutive sentences, and it
12 would give the judge the ability to do it.
13 There's no mandate in this bill.

14 I vote aye.

15 THE PRESIDENT: You will be
16 recorded as voting in the affirmative, Senator
17 Volker.

18 The Secretary will announce the
19 results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 217 are
22 Senators Montgomery and A. Smith.

23 Ayes, 59. Nays, 2.

24 THE PRESIDENT: The bill is
25 passed.

1 THE SECRETARY: Calendar Number
2 223, by Senator Fuschillo, Senate Print 786,
3 an act to amend the Education Law, in relation
4 to notice.

5 THE PRESIDENT: Read the last
6 section.

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

9 THE PRESIDENT: Call the roll.
10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60. Nays,
12 1. Senator Parker recorded in the negative.

13 THE PRESIDENT: The bill is
14 passed.

15 THE SECRETARY: Excuse me. In
16 relation to Calendar Number 223, also Senator
17 Little recorded in the negative.

18 Ayes, 59. Nays, 2.

19 THE PRESIDENT: The bill is still
20 passed.

21 THE SECRETARY: Calendar Number
22 236, by Senator LaValle, Senate Print 279, an
23 act to amend the Tax Law, in relation to
24 providing an exemption.

25 THE PRESIDENT: Read the last

1 section.

2 THE SECRETARY: Section 6. This
3 act shall take effect on the first day of a
4 sales tax quarterly period.

5 THE PRESIDENT: Call the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 THE PRESIDENT: The bill is

9 passed.

10 THE SECRETARY: Calendar Number
11 255, by Senator Meier, Senate Print 2490, an
12 act to amend Chapter 706 of the Laws of 1996.

13 THE PRESIDENT: Read the last
14 section.

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

17 THE PRESIDENT: Call the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 THE PRESIDENT: The bill is

21 passed.

22 THE SECRETARY: Calendar Number
23 260, by Senator Nozzolio, Senate Print --

24 SENATOR SCHNEIDERMAN: Lay it

25 aside.

1 THE PRESIDENT: The bill is laid
2 aside.

3 THE SECRETARY: Calendar Number
4 262, by Senator Meier, Senate Print 2324, an
5 act to amend the Town Law, in relation to
6 increasing the amount.

7 THE PRESIDENT: Read the last
8 section.

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

11 THE PRESIDENT: Call the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 THE PRESIDENT: The bill is
15 passed.

16 THE SECRETARY: Calendar Number
17 285, by Senator Maziarz, Senate Print 3109, an
18 act to amend the Labor Law, in relation to the
19 State Apprenticeship and Training Council.

20 THE PRESIDENT: Read the last
21 section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the 90th day.

24 THE PRESIDENT: Call the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 61.

2 THE PRESIDENT: The bill is
3 passed.

4 THE SECRETARY: Calendar Number
5 309, by Senator Maziarz, Senate Print 1137, an
6 act authorizing how certain casino revenue
7 monies from the Seneca Niagara Casino shall be
8 disbursed.

9 THE PRESIDENT: Read the last
10 section.

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

13 THE PRESIDENT: Call the roll.
14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60. Nays,
16 1. Senator Padavan recorded in the negative.

17 THE PRESIDENT: The bill is
18 passed.

19 THE SECRETARY: Calendar Number
20 370, by Senator Little, Senate Print 1616, an
21 act to reopen the optional 20-year retirement
22 plan.

23 THE PRESIDENT: There is a home
24 rule message at the desk.

25 Read the last section.

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

3 THE PRESIDENT: Call the roll.
4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 61.

6 THE PRESIDENT: The bill is
7 passed.

8 Senator Skelos, that completes the
9 noncontroversial reading of the calendar.

10 SENATOR SKELOS: Madam President,
11 if we could please have the bell rung --

12 THE PRESIDENT: The Secretary
13 will ring the bell.

14 SENATOR SKELOS: -- to indicate
15 to the members that we are going to the
16 controversial reading of the calendar.

17 THE PRESIDENT: We ask all the
18 members to return to their seats. We'll begin
19 the controversial calendar.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 260, by Senator Nozzolio, Senate Print 1974,
23 an act to amend the Real Property Tax Law.

24 SENATOR LIZ KRUEGER:
25 Explanation.

1 THE PRESIDENT: Senator Nozzolio,
2 an explanation has been requested.

3 SENATOR NOZZOLIO: Yes, Madam
4 President. Who requested the explanation?

5 THE PRESIDENT: Senator Krueger.

6 SENATOR NOZZOLIO: This measure
7 provides a more -- a fairer system of -- thank
8 you, Madam President.

9 THE PRESIDENT: You're welcome.

10 SENATOR NOZZOLIO: This
11 legislation provides a fairer system of
12 determining the assessments, for real property
13 taxation purposes, of wetlands and a mechanism
14 to appeal such assessments.

15 Currently, in large tracts of land,
16 farmers in particular are the custodians of
17 wetlands. However, those wetlands are added
18 to the value of the property when in fact they
19 may render the property useless for any
20 agricultural-type purposes.

21 That the land may be designated as
22 a wetland, but the owner of that land suffers
23 a financial loss of market value because the
24 wetland may or may not be recognized
25 appropriately by the local assessor.

1 This is a process, a proposal that
2 places an opportunity for the owner of the
3 property to adequately pro-offer evidence that
4 would allow an assessor or an assessment board
5 of appeals to review appropriate wetlands for
6 taxation considerations.

7 THE PRESIDENT: Senator Krueger.

8 SENATOR LIZ KRUEGER: Thank you,
9 Madam President. If the sponsor would please
10 yield.

11 THE PRESIDENT: Senator Nozzolio,
12 will you yield for a question?

13 SENATOR NOZZOLIO: Yes, Madam
14 President.

15 THE PRESIDENT: You may proceed,
16 Senator Krueger.

17 SENATOR LIZ KRUEGER: Thank you.

18 So this would only apply to
19 property that's currently designated wetlands
20 by the state DEC? How would the definition of
21 wetlands be applied?

22 SENATOR NOZZOLIO: A question by
23 Senator Krueger is often -- gets to the crux
24 of the issue.

25 That there are some wetlands that

1 are designated. Some are designated on
2 federal maps, may not be designated on state
3 maps. Some DEC maps have wetlands which are
4 not designated on the appropriate Corps of
5 Engineer federal maps. Some may not have
6 maps -- be recognized at all, but be part of
7 wetlands which are under the custodianship of
8 the property owner.

9 So having the identifiable wetland
10 is still an inaccurate science in this state,
11 and that some may be on it, some maybe not.
12 The problem is that whether you're on the map
13 or not, you still have the custodianship of
14 the wetland as defined by the law, you still
15 have, oftentimes, the inability to utilize
16 that land, and it may affect its market value.

17 This law allows the assessor --
18 requires the assessor and the assessment
19 process to take that all into consideration.

20 SENATOR LIZ KRUEGER: Thank you.

21 Madam President, if, through you,
22 the sponsor would continue to yield.

23 THE PRESIDENT: Senator Nozzolio,
24 do you continue to yield?

25 SENATOR NOZZOLIO: Yes, Madam

1 President.

2 THE PRESIDENT: You may proceed
3 with a question, Senator Krueger.

4 SENATOR LIZ KRUEGER: Thank you.

5 Your answer was very helpful,
6 because I think it -- you're right, my
7 question and your answer addressed some of the
8 concerns here that I have with this bill, that
9 we don't have a definition for actually
10 designating smaller wetlands, although there
11 has been a push by environmental groups to get
12 a law passed that would address that.

13 But in follow-up to that question,
14 you talked about farmland in your example.
15 But am I correct to assume that this bill
16 would be applicable regardless of the use of
17 the land, it would not be unique to farmland?

18 SENATOR NOZZOLIO: Madam
19 President, the Senator's perception appears
20 accurate, in my view.

21 SENATOR LIZ KRUEGER: Thank you.

22 Madam President, if, through you,
23 the sponsor would continue to yield.

24 THE PRESIDENT: Senator Nozzolio,
25 will you yield for an additional question?

1 SENATOR NOZZOLIO: Yes, Madam
2 President.

3 THE PRESIDENT: You may proceed
4 with a question, Senator Krueger.

5 SENATOR LIZ KRUEGER: Thank you.
6 The bill memo says that there's no
7 cost, which raises a question for me. One,
8 would I be correct in assuming there is a cost
9 to localities for training assessors and
10 establishing a new protocol for defining
11 territory as wetlands?

12 And, two, does this bill
13 specifically, then, offer a lower property tax
14 rate for people who, quote, unquote, document
15 that in fact part of their property is
16 wetlands?

17 SENATOR NOZZOLIO: Madam
18 President, the answer to the first question is
19 yes. But assessors need to be trained anyway
20 in a variety of different disciplines, so we
21 don't look at this as any additional cost.

22 But yes, assessors will have to be
23 trained. And this should be part of their
24 training, to recognize the wetlands as they
25 are placed. And that's part of the problem,

1 is because currently assessors are not trained
2 in this area.

3 Secondly, the question was so long
4 ago I forgot the question. Would Madam
5 President ask Senator Krueger to repeat the
6 second question.

7 SENATOR LIZ KRUEGER: Certainly,
8 I'd be happy to repeat the second part of the
9 question.

10 If this bill defines certain
11 property as wetlands for property tax
12 assessment, does this bill also then lower the
13 property tax on those lands that are assessed
14 under this new definition of a wetland
15 assessment?

16 SENATOR NOZZOLIO: Yes, Madam
17 President. It's assumed that if in fact the
18 wetland serves to devalue the property, that
19 that devaluation would be considered.

20 By the same token, I suppose that
21 the assessor could say that somehow the
22 wetland added to the value of the property
23 per se. The assessor could take that into
24 consideration.

25 SENATOR LIZ KRUEGER: Thank you.

1 Madam President, on the bill.

2 THE PRESIDENT: You may proceed
3 on the bill.

4 SENATOR LIZ KRUEGER: Thank you.
5 I appreciated the sponsor's
6 explanation on this bill.

7 I think it leaves me with a
8 dilemma, because on the one hand I think it
9 would move us closer to a mechanism in
10 New York State where we were actually mapping
11 wetlands, which I think is important and is
12 important for us in follow-up on bills that in
13 fact have been introduced in this house by
14 Senator Marcellino involving clarification of
15 what are wetlands and what are the rules and
16 regulations around them, specifically his bill
17 S2081.

18 So this bill might move us towards
19 that goal of actually being able to document
20 and map in the State of New York all of these
21 wetlands that we ought to be protecting.

22 But at the same time, this bill
23 seems to me to be a new unfunded mandate on
24 localities in two ways. One, they would have
25 to, without guidelines from the State of

1 New York, determine how they were defining
2 wetlands and how they were going to evaluate
3 what was and wasn't wetland in their area
4 through their tax assessment material, but
5 also would then be allowing for a lower
6 property tax value on that land by definition
7 of it being wetland.

8 I know that actually Senator
9 Bonacic has been quite a champion with the
10 concerns of counties having their lands taken
11 off their tax rolls and what that means to
12 them. And this is perhaps one more area where
13 we in the State Legislature would be dictating
14 to localities that they had to lower their
15 property tax revenue base by taking land off
16 of the tax rolls.

17 So it raises the question to me of
18 should we be moving forward with an unfunded
19 mandate without discussions with the
20 localities.

21 I think that ultimately it's a good
22 thing to address the issues of wetlands, the
23 uniqueness and the importance of them to our
24 environment, and to recognize that they are on
25 land all over the State of New York. And so

1 eventually I could see myself in the position
2 of being prepared to support this bill,
3 because it does try to recognize the
4 differences in this land.

5 But I think absent our moving
6 forward with the Clean Water Protection and
7 Flood Prevention Act that I mentioned before
8 that Senator Marcellino has sponsored in this
9 house, and without further discussion with the
10 localities about their position on or their
11 estimates on how much they could be losing in
12 property tax revenue, that we would be rushing
13 by passing this bill today.

14 I see also in your memo a reference
15 to at some point deciding whether the State of
16 New York should in fact replace the lost
17 property tax money to localities. And that's
18 an issue that also comes up before this house
19 in various times and places, the fact that
20 there are districts that have
21 disproportionately large numbers of parks
22 where they can't draw down property tax and
23 should the State of New York do something
24 about that -- the City of New York has
25 disproportionately large amounts of land that

1 are held by public authorities or government
2 agencies that can't be taxed -- and the loss
3 of revenue from that.

4 That these are complex issues, and
5 I respect your attempt to go down one road
6 here. But I think, for today, I feel that we
7 ought not to pass this bill without further
8 discussion with the localities, with the
9 environmental groups, and perhaps with Senator
10 Marcellino's committee in relationship to the
11 bill that has been introduced relating to the
12 mapping and regulation of wetlands.

13 So I appreciate your comments, and
14 I appreciate your effort to try to address
15 this issue. But I don't think this is the
16 right way for us to go legislatively today, so
17 I'll be voting no.

18 Thank you very much, Madam
19 President.

20 THE PRESIDENT: Does any other
21 member wish to be heard?

22 Then the debate is closed.

23 The Secretary will ring the bell.

24 Senator LaValle.

25 SENATOR LaVALLE: Madam

1 President, to explain my vote.

2 THE PRESIDENT: We're not on a
3 roll call yet, Senator. I'll call on you in a
4 moment.

5 SENATOR LaVALLE: Okay.

6 THE PRESIDENT: Read the last
7 section.

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

10 THE PRESIDENT: Call the roll.

11 (The Secretary called the roll.)

12 THE PRESIDENT: Senator LaValle,
13 to explain your vote.

14 SENATOR LaVALLE: Thank you,
15 Madam President.

16 I feel very conflicted on my vote
17 on this bill, and listened to the debate and
18 Senator Nozzolio answering questions. And it
19 certainly is well-intentioned legislation.

20 When I think of the 1st Senatorial
21 District and the boundaries on the north and
22 south being water and the east being water,
23 with wetlands all up and down the coastline --
24 I often know when we deal with wetland issues,
25 there's a lot of marketplace dynamics. And I

1 don't know how this legislation will change
2 the marketplace dynamics to either decrease
3 assessments, increase marketability and put
4 greater development pressure.

5 And so I'm going to take advice my
6 parents gave me years ago: When in doubt,
7 vote no. I vote in the negative.

8 THE PRESIDENT: Senator LaValle,
9 you will be recorded as voting in the negative
10 on this bill.

11 THE SECRETARY: Those recorded in
12 the negative on Calendar Number 260 are
13 Senators Hassell-Thompson, L. Krueger,
14 LaValle, and Leibell.

15 Ayes, 57. Nays, 4.

16 THE PRESIDENT: The bill is
17 passed.

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

20 SENATOR SKELOS: Thank you, Madam
21 President.

22 Is there any housekeeping at the
23 desk?

24 THE PRESIDENT: No, there isn't,
25 Senator Skelos.

1 SENATOR SKELOS: Would you please
2 recognize Senator Hassell-Thompson.

3 THE PRESIDENT: Senator
4 Hassell-Thompson.

5 SENATOR HASSELL-THOMPSON: Yes,
6 thank you, Madam President.

7 Madam President, I have a motion at
8 the desk, and I would like to have it called
9 up at this time.

10 THE PRESIDENT: The Secretary
11 will read.

12 THE SECRETARY: Senate Print
13 2246, by Senator Hassell-Thompson, Concurrent
14 Resolution of the Senate and Assembly
15 proposing an amendment to Article 3 of the
16 Constitution.

17 THE PRESIDENT: Senator
18 Hassell-Thompson.

19 SENATOR HASSELL-THOMPSON: Thank
20 you, Madam President. This bill would --

21 THE PRESIDENT: If the members
22 would please take their conversations out of
23 the chamber later.

24 Go ahead, Senator.

25 SENATOR HASSELL-THOMPSON: Thank

1 you. I could have shouted, but I prefer not
2 to.

3 This bill would amend the State
4 Constitution by adding a provision that
5 requires that any budget bill to be put in
6 print and available to the members at least
7 three calendar days prior to its final
8 passage.

9 Current law requires that bills be
10 printed and available to members for at least
11 three days in order to ensure that legislators
12 have the opportunity to read and consider a
13 bill adequately before voting on its final
14 passage. However, current law also allows the
15 Governor to short-circuit this time period
16 with messages of necessity.

17 This bill would amend the
18 Constitution by prohibiting the Legislature
19 from acting on any bill pursuant to a message
20 of necessity. This pertains to budget bills.

21 Let me begin by saying that I am
22 pleased -- and I mean this very seriously. I
23 said today in conference that for the first
24 time in the five years that I've been here,
25 that I've truly felt that I was a part of the

1 legislative process as it pertains to the
2 budget, and that I saw us moving in the right
3 direction.

4 But while this conference committee
5 is not perfect, we don't yet get an A -- if we
6 gave an A now, then we wouldn't feel that we
7 would have to improve it. So there are still
8 some things that we need to do so that the
9 outcomes that we reach are more satisfactory
10 to both sides. But this is certainly a step
11 in the right direction.

12 How can we improve the conference
13 committee in the future? We can by increasing
14 the minority party representation on budget
15 subcommittees. We can make sure that all
16 issues we are called on to resolve are
17 addressed in public and not by staff behind
18 closed doors.

19 And I'm also pleased, at least at
20 this moment, the Legislature is planning to
21 pass budget bills that have been in print for
22 at least three days. Unless budget bills are
23 available to members before we take them up
24 for a vote, it's impossible -- not almost, but
25 impossible for legislators to accurately

1 review and completely digest them.

2 This amendment will enable
3 legislators to be better informed and to make
4 more intelligent decisions. I support the
5 Legislature's efforts to enforce for the first
6 time an on-time budget since 18 -- oh, whew.
7 Since 1984, sorry about that -- since 1984.
8 But we cannot lose sight of our real goal, and
9 that is to enact a budget that meets the ends
10 of all of our constituents.

11 This bill is another step in the
12 right direction, and I hope you will join me
13 in supporting this amendment to the
14 Constitution to ensure that members have an
15 adequate opportunity to do their jobs and to
16 do them well.

17 Thank you.

18 THE PRESIDENT: All those
19 Senators in favor of the petition out of
20 committee please signify by raising your
21 hands.

22 THE SECRETARY: Those recorded in
23 agreement are Senators Andrews, Breslin,
24 Brown, Diaz, Dilan, Duane, Gonzalez,
25 Hassell-Thompson, Klein, L. Krueger,

1 C. Kruger, Montgomery, Onorato, Oppenheimer,
2 Parker, Paterson, Sabini, Sampson, Savino,
3 Schneiderman, Serrano, A. Smith, M. Smith,
4 Stachowski, Stavisky and Valesky.

5 THE PRESIDENT: The petition is
6 not agreed to.

7 Senator Skelos.

8 SENATOR SKELOS: Thank you, Madam
9 President.

10 A reminder to the members of the
11 Majority that there will be a conference
12 tomorrow at 10:30 a.m. in the Majority
13 Conference Room.

14 THE PRESIDENT: There will be a
15 conference for the Majority tomorrow morning
16 at 10:30 a.m. in the Majority Conference Room.

17 SENATOR SKELOS: And there being
18 no further business to come before the Senate,
19 I move we stand adjourned until Wednesday,
20 March 30th, at 11:30 a.m.

21 THE PRESIDENT: On motion, the
22 Senate now stands adjourned until tomorrow,
23 Wednesday, March 30th, 11:30 a.m.

24 (Whereupon, at 4:26 p.m., the
25 Senate adjourned.)