NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:14 a.m.

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 again this morning to give the invocation is the Reverend Peter G. Young, from Blessed Sacrament Church in Bolton Landing, New York.

REVEREND YOUNG: Let us pray.

As we hear in today's news of 23 straight days of rain in San Francisco, we know that You have blessed New York State in Your rewarding spring sunshine.

As the Empire State, we are blessed in many ways with heroic leadership that pioneered our country's founding with the victory at Saratoga, and we continue today with our Senators in this battle of the budget to create innovative efforts for New York State's quality of life.

May the bright sunshine that we

enjoy be a symbol of what is in the stained glass above this podium as our commitment of dedication, as in the state seal that pictures the rising sun that blesses all those created in Your image. We pray for all of those in New York State, the citizens with its family and love, for the lady of liberty and the lady of justice that are there next to this rising sun.

We pray that we will be people of this kind of nation, people of this kind of seal, people of this kind of commitment. We ask You this in Your name.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, March 29, the Senate met pursuant to adjournment. The Journal of Tuesday, March 28, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe there is a resolution at the desk by Senator Leibell. I ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senators Leibell and Farley, Legislative Resolution Number 4319, memorializing Governor George E. Pataki to proclaim the week of April 2, 2006, as Friends of the Library Week in the State of New York.

ACTING PRESIDENT MORAHAN: On the resolution, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Nay?

(No response.)

ACTING PRESIDENT MORAHAN: The resolution is adopted.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Bruno.

SENATOR BRUNO: Can we at this time take up the noncontroversial reading of the calendar.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 166, by Senator Padavan, Senate Print 1788, an act to amend the Agriculture and Markets Law, in relation to prohibiting.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 437, by Senator Marchi, Senate Print 1417A, an act to amend the Judiciary Law and the Education Law, in relation to creating the 13th Judicial District.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 497, Senate Budget Bill, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

THE SECRETARY: Calendar Number 501 --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

THE SECRETARY: Calendar Number 541, by Senator Marcellino, Senate Print 5913, an act authorizing the assessor of the County of Nassau.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 48. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 570, by Senator Volker, Senate Print 4023, an

act to amend the Criminal Procedure Law and the Family Court Act, in relation to delivery.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 571, by Senator Volker, Senate Print 4121, an act to amend the Civil Practice Law and Rules, in relation to admissibility.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 612, by Senator Maziarz, Senate Print 7088, an act to amend the Labor Law, in relation to directing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MORAHAN: The bill is passed.

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

SENATOR BRUNO: Mr. President, can we at this time take up the controversial

reading of the calendar.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 497, Senate Budget Bill, Senate Print 6455C, an act making appropriations for the support of government: Transportation, Economic Development and Environmental Conservation Budget.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MORAHAN: Senator Johnson, an explanation has been requested.

SENATOR JOHNSON: This is the appropriations bill for transportation, economic development, and environment. It appropriates the funds for those agencies.

And in addition to the Governor's proposal, it includes $40 million in restorations and additions to agriculture and tourism-related programs; an additional $20 million for highway improvement funds, CHIPS and Marchiselli; $25 million for statewide economic development programs; and a

$400 million increase in transit operating assistance.

ACTING PRESIDENT MORAHAN: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. If the sponsor would please yield to some questions.

ACTING PRESIDENT MORAHAN: Senator Johnson, will you yield for a question?

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Senator Johnson, on page 589 of this bill there's a list -- it starts on page 589 and actually goes through page 614 -- there's a series of reappropriations that would go through memorandums of understanding. And when I add them up, they add up to about $2.3 billion, with a billion, of state money that we reappropriated. Some of these go back as far as the year 1999.

Why are we continuing to

reappropriate monies for which memorandums of understanding have never been resolved or made public? And if we didn't need that money in '99 or 2000 or 2001 or 2002, 2003, 2004, 2005, why do we continue to use taxpayers' dollars or appropriate taxpayers' dollars for all of these different memorandums of understanding projects?

SENATOR JOHNSON: Are you done with your question?

SENATOR LIZ KRUEGER: That was the question, sir.

SENATOR JOHNSON: Oh, okay. That was quite a compendious question, yes.

In any event, there's a simple answer. We're reappropriating the money that was appropriated previously for the highway and bridge fund. That's the $300 million.

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

ACTING PRESIDENT MORAHAN: Senator Johnson, will you continue to yield?

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR LIZ KRUEGER: It's not clear to me that any of this is specific to the highway and bridge fund. I'm not sure that was -- that might be one of the items.

But, for example -- sorry, just turning to any specific item -- there's a $75 million reappropriation for economic development purposes through something called the CCC program. That's on page 592. There's $90 million reapproped for regional development programs. That's on the bottom of that page. There's $225 million reapproped through the Strategic Investment Program on page 608. There's $350 million reapproped through CCP from 2004 dollars. That's on page 610. There's $600 million reapproped on page 611 for reappropriation capital projects under Community Assistance Program, rebuilding the Empire State through opportunities in regional economies and something called the Empire Opportunity Fund.

I don't see how any of these have anything to do with highways.

SENATOR JOHNSON: That's the end of that question; right?

SENATOR LIZ KRUEGER: Yes, sir.

SENATOR JOHNSON: Okay. Thank you.

I'd like to commend you for your zeal and diligence in going through the budget and discovering reappropriations. But that old money must be reappropriated if we're going to continue to spend it for the purposes for which it was intended.

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

ACTING PRESIDENT MORAHAN: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I respect my colleague's answers, we must reappropriate in order to have the monies available for the purposes for which they were originally appropriated.

My problem is we never told anybody what we were appropriating these monies for in the years we first appropriated them. We don't tell anybody what the money is for now. It's not at all apparent that any of these

monies have been ever appropriated for any individual function in the State of New York.

Again, the language is such that these will go through memorandums of understanding to be executed by the Governor, the Temporary President of the Senate, the Speaker of the Assembly. Eligible recipients and purposes are very broadly described, including they can be appropriated through any department, agency, or public authority. I don't believe there are memorandums of understanding that have been signed for these dollars -- although it would be nice to know, wouldn't it?

But again, if years later we still have monies that we reappropriate that are technically monies of the people of the State of New York that we could and should be using for specific purposes -- and probably all of us in this room have ideas of how we would prioritize those purposes. And we might disagree, but we'd at least know what we were appropriating the people's money for, or in this case to the tune of about $2.3 billion.

We are reappropriating MOUs from

previous years. We are talking about borrowing enormous amounts of money in this year's budget. We are talking about giving tax cuts at the same time as borrowing money. No doubt tomorrow we will debate whether or not we have met our obligations to the schoolchildren of the State of New York.

I can find no justification at this point in history to reappropriate over $2 billion in unexplained dollars from previous years for MOU purposes. And so I'll be voting against this bill, because I think it is completely unacceptable and unjustifiable and we should not be allowed to continue to operate financially in this manner.

Thank you very much, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Would Senator Johnson yield for a question, please?

ACTING PRESIDENT MORAHAN:

Senator Johnson, do you yield for a question?

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR CONNOR: Thank you, Mr. President.

Senator Krueger has just pointed out, made reference to about $2 billion in reappropriations. My question is, of that $2 billion, how much money is contained in the state fiscal plan and therefore will be spent this year of that $2 billion?

SENATOR JOHNSON: We don't have an exact figure. It could be as much as $25 million.

SENATOR CONNOR: Twenty-five million. So we're actually talking about $25 million in expenditures in our $112 billion budget; is that correct, Senator?

SENATOR JOHNSON: I'm sorry, did you ask a second question?

SENATOR CONNOR: I said so we're actually only going to spend $25 million, so that $2 billion really isn't part of the

$112 billion budget we read about in the newspaper?

SENATOR JOHNSON: You're right, it all depends upon the progress of the capital projects to which that money is appropriated.

SENATOR CONNOR: I understand, Senator. Thank you.

ACTING PRESIDENT MORAHAN: Senator Schneiderman.

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

ACTING PRESIDENT MORAHAN: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I would urge my colleagues that we are -- the comments made earlier by Senator Krueger and Senator Connor are calling attention to something that we're not going to be able to belabor here today, but we're just scratching the surface in this discussion of the dysfunctional nature of New York State's economic development programs.

There are some very good things in this bill, because it also includes

environmental and other matters. But I have to say that since I've been in the Senate, it has been remarkable for me to watch failed economic development programs pass every year, year after year. Essentially, the Governor appropriates twice what is spent, and then we keep reappropriating it.

We're operating through memoranda of understanding in a way that lacks transparency and accountability. Our Empire Zone program doesn't provide the tracking so we even know if the money is being spent to produce the jobs that are being promised.

And in many cases we know we're pouring money down the drain, that the people in depressed parts of the state, in Central and Western New York and parts of the city, who are counting on our economic development programs to stimulate jobs, are not getting what the money supposed to be spent for. We're not spending the money on enterprises that create jobs, we're spending money in many cases for firms that do not deliver the jobs that are promised, and we continually reappropriate mystery funds that never get to

their target, which is to create jobs for the people of this state.

You know, there was a debate not so long along about whether Central and Western New York is -- it was a slur to refer to it and say some parts of it look like Appalachia. Well, if you look at the numbers, Appalachia is doing better than a lot of parts of New York State. And they have growth in a lot of regions and a lot of parts of Appalachia.

I would say that we have failed in our efforts to revive the economies of Central and Western New York, we have failed in many parts of downstate New York. And I am constrained to vote against this bill because of the lack of transparency and the lack of effectiveness of our economic development programs.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Any other Senator wish to be heard?

Senator Bruno, to close.

SENATOR BRUNO: Mr. President and colleagues, I am absolutely amazed to hear the

observations and comments about economic development and lack of.

We had a package in the budget that most of you supported that was $3.5 billion in help for small businesses in this state. Sixty-four percent of all of the people in this state are employed by small businesses. Ninety-two percent of the new jobs are created by small businesses.

You know what? We couldn't get it passed in the Assembly. Your colleagues would not step up and pass that package of bills -- to do what? To create jobs. To retain jobs. That's what that package was for.

Now, you supported that here. And I'm amazed to hear that we would now be talking about the lack of. We didn't have a lack of anything. We did the right things for the people of this state.

And, Senator, let me share. You're right. You go across Buffalo, Rochester, Syracuse, there are pockets of poverty. Eliot Spitzer was absolutely right -- not, maybe, in his description in using the adjective "Appalachia." But there's poverty, real

poverty. And how do you get at it? You get at it by jobs, putting people to work, attracting jobs. And how do you do that? By creating incentives. That's what that package was all about.

Now, we did a lot. We did a lot. But we should be doing a lot more. And we in this house were willing to do that, as evidenced by the support here, on both sides of the aisle, for our program.

So I only get up, Mr. President, because I'm amazed to hear the discussion that we haven't done enough. You're absolutely right, we have not done enough. And you tell me how we get more done in the Assembly. You tell me how, and we're there.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Bruno.

Ring the bell.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Senator Balboni, to explain his vote.

SENATOR BALBONI: Included in here, Mr. President, is a provision that relates to the MTA and their ability to do capital programs. This is absolutely crucial for the thousands and thousands of commuters every day that travel into the City of New York from Long Island and Westchester and the surrounding communities. It's crucial to things like East Side access and all of the different programs that we've been working on.

And two things I want to point out. The first is that Senator Dean Skelos has been a tremendous leader on this issue and has been the driving force in the MTA capital program.

And secondly, the other thing we've done here is we've finally eliminated that pesky little E-ZPass $1 surcharge. That's gone as a result of passing this bill. So that's a neat little thing.

So we can look forward to the capital plan increasing and the security system getting better and the use of the

system increasing. We can also look forward to this little pesky fee being eliminated.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT MORAHAN: Thank you, Senator Balboni.

Senator Libous, to explain his vote.

SENATOR LIBOUS: I just want to comment on the transportation portion of this budget. And certainly I want to thank Senator Balboni for bringing that to the attention of the committee, because that was a very important issue that he just discussed, and the committee was glad to eliminate that surcharge.

But even more than that, what's more effective in this budget is the fact that for the first time in over seven years that the letting levels to do improvement projects has increased to $1.8 billion. We have provided for the first time an additional increase in CHIPS over and above what we did in the bond act last year, an additional $20 million.

Why is that important? Because at a time when our roads and bridges for our local towns and municipalities need so much work, and while property taxes continue to rise at the local level, this is going to help put a lid on that and help to improve the roads and bridges.

We certainly are, for the first time, in the dedicated highway trust fund -- the operations of the Department of Motor Vehicles are run out of the dedicated highway trust fund to the tune of about $190 million. That's ridiculous. The dedicated highway trust fund is supposed to go into running -- providing for roads and bridges, running the MTA and providing for those services. There's absolutely no reason and no excuse that we should be providing services such as running the Department of Motor Vehicles out of this fund.

The Senate wanted very badly to move that all out over five years. We can only conclude, because the Assembly rejected it and would only do $20 million -- but it's a first step. It's a first step. And

$20 million will come out of the operation and go into direct road and bridge resurfacing and paving, and that's extremely important.

With the inaction of the bond act last year, there's plenty of money to do what we need to do in this year's transportation budget. It is one of the best transportation budgets that we've seen in about seven years.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. I'd like to explain my vote.

I'm going to vote aye for this budget bill, because in it is the authorization to raise the level of the EPF another $50 million to bring it up to a $200 million threshold. That is the highest it's ever been in history.

I want to acknowledge the fact that working with my colleagues in this house and with our Governor, we have increased the EPF a record of approximately $170 million. That EPF is the engine that drives the environmental cleanup of our land, our water,

the preservation of open space, and just about everything else that we do in the environmental area.

It is monumentally important, and this is a great achievement. And this bill contains that authorization. I vote aye.

ACTING PRESIDENT MORAHAN: Thank you, Senator Marcellino.

Senator Parker.

SENATOR PARKER: To explain my vote, Mr. Chairman.

ACTING PRESIDENT MORAHAN: Senator Parker, to explain his vote.

SENATOR PARKER: Mr. Chairman, unfortunately I have to vote no on this bill, as I have yesterday on the two previous bills, on the same grounds.

I think we've done a lot of good things, and I again want to congratulate all the hard work that I know that went into this developing this bill. I'm really torn. I mean, you know, we're providing more money for transportation and for economic development and for some great things as relates to the renewable portfolio standard. And there's

certainly some great provisions that are going to be looking at issues regarding minority contracting in the state, and women- and minority-owned businesses, that we certainly ought to be doing.

However, this entire budget is in defiance of a court order. And it's an issue that we've been dealing with for a long time. The issue of the Campaign for Fiscal Equity has not been resolved in this bill. I know that there are some plans to do some things around capital.

But I cannot in good conscience vote for a budget bill that in fact does not provide for the educational needs of my students.

There are 1.1 million schoolchildren today -- today -- in the City of New York who don't have enough resources, they don't have become books in their libraries, they don't have enough certified teachers, they don't have English language learning programs, they don't have enough technology, they don't have after-school programs, they don't have all of the things --

you know, music, art, and dance -- as regular parts of the curriculum so they can develop a well-rounded education. They don't have all the things that young people need in order to become productive citizens, valuable members of the labor force, or whole people.

And so because of that, I am not voting for this. I'm voting no. I think that we're really missing the boat. Those who will make the argument that we're doing a lot for capital, that the base of the lawsuit was in fact that we continue to use the traditional formula for funding education across the state.

And actually that is the heart, in fact, of the disagreement, is that in fact the formula itself is an unjust, unequal, and unequitable formula. We need to change that formula. And unfortunately, if we change that formula, it in fact throws off the entire budget.

So I'm in the position where I have to vote against the entire budget so that we can go back, renegotiate the budget in a way that continues to do the good things that

we're doing but that also accounts for the real level of funding -- not that I think that we should have for New York City schools, not that members of the Legislature think, but in fact what the courts, what independent nonprofit organizations have said and what we've been demanded to do by the courts.

And I think that we can't go further unless we do that. I vote no.

ACTING PRESIDENT MORAHAN: Senator Parker will be recorded in the negative.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

I rise in support of this legislation. And I think one of the most critical components of it, in terms of a new initiative -- and I'm delighted that many of my young constituents from Valley Stream South High School are here -- is a grant to the Long Island Hispanic Chamber of Commerce.

Senator Bruno indicated the importance of maintaining our small businesses throughout the state. And certainly the

fastest-growing component of small businesses is within the Hispanic community.

And this new initiative, this new investment with the Long Island Chamber of Commerce -- and I know the nine Senators from Long Island are all supportive of this -- will help the small-business owners navigate through the bureaucracies that may exist and help establish business models so that their small businesses can grow and someday be a larger business and create jobs.

So I'm delighted to support this economic development package, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Skelos will be recorded in the affirmative.

Senator Ada Smith.

SENATOR ADA SMITH: Thank you, Mr. President.

I attempt to separate apples from oranges in voting on this budget. I agree completely with my colleague Senator Parker that we have not done enough to fulfill our obligations under the CFE case. But this piece of the budget is not dealing with

education.

And I want to acknowledge that there are a lot of things here that many of us have been fighting for over the years, especially for small businesses and for minority and women businesses, which has been an emphasis in my platform.

Therefore, I will be voting for this budget, in the hopes that we will come back even after the budget and make the necessary changes that we need to ensure that we fulfill our obligations under the law.

Therefore, I will be voting aye.

ACTING PRESIDENT MORAHAN: Senator Flanagan, to explain his vote.

SENATOR FLANAGAN: Thank you, Mr. President.

A number of the members are highlighting different sections of this bill. The point I want to raise in the context of this legislation is with regard to elections.

We had worked last year and part of this year on HAVA and HAVA implementation, but part of what got lost in the debate was poll-site accessibility. We had a lot of

discussions about having handicapped-accessible machines, but now for the first time we have $5 million in the budget for municipalities to help make sure that you're not just able to look at the machine from the outside, but you're actually going to be able to get in the building. For ramps, for doorways, for true accessibility.

And frankly, it's a shame that we have to even deal with this subject. It should have been something that happened a long time ago. But a lot of people aren't aware there's litigation all across the state in different counties for failure to properly comply with handicapped accessibility.

The Assembly did not want to do this. They did ultimately come around. This was the Senate position from the beginning, to provide real money and real relief to municipalities to make sure that everybody can access the voting booth and the polling place on Election Day. This is a very positive step forward.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank

you, Senator Flanagan.

Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President, on the bill. I ask permission to explain my vote.

Mr. President and my colleagues, since the beginning of our state's history, transportation has always meant job development. That we became the Empire State because we have the greatest transportation infrastructure than any of our competitor states.

That what this budget does, particularly in the areas of transportation, I think is noteworthy, and especially in those areas like the central and western and northern parts of the state that have so many local roads. That what the expenditures in this measure do is ensure that our local roads and bridges are going to be taken care of, maintained appropriately, and done so not at the expense of our already overburdened property taxpayers.

This expenditure of state funds

will help ensure that local governments -- towns and counties -- can particularly hold the line on property tax increases. Our conference, this Senate, has been committed to holding the line on property tax increases. And this measure goes a long way in doing that.

The road mileage at the local level expands over 25,000 miles across our state. We could extend those local roads and bridges and that, in effect, spending those funds for local roads and bridges means so much. This conference stood for that increase of over $20 million in ensuring the property taxpayer will be the beneficiary.

Mr. President, I support this measure. I congratulate all those on the conference committee that supported the CHIPS program in particular and fought hard for local roads and bridges.

ACTING PRESIDENT MORAHAN: Thank you. Senator Nozzolio will be recorded in the affirmative.

Senator Stavisky.

SENATOR STAVISKY: Thank you,

Mr. President.

The parts of this bill that deal with economic development I think are extremely important. And one of the areas of economic development that I'm interested in is the area of tourism, because I think this is a tremendously underutilized area of our economy. We have some beautiful areas in New York State, and I think we ought to be doing everything we can to encourage development.

And I'm unhappy with the fact that more of the "I Love New York" tourism dollar is not being spent outside of New York State to encourage people to come, whether the advertising campaign takes place in Canada or in the Midwest or in Asia and Europe. And while I wish more of the "I Love New York" campaign did exist outside of New York State, I must tell you I get very offended when I'm watching television at home in New York City and I see a campaign for "I Love New York," encouraging me to come visit.

So, Mr. President, I hope that in the future this inequity will be resolved.

But I will vote for this bill. Thank you.

ACTING PRESIDENT MORAHAN: Senator Stavisky will be recorded in the affirmative.

Senator Alesi, to explain his vote.

SENATOR ALESI: Thank you, Mr. President. I know we have a lot of work to do, so I will be brief.

But as chairman of the Committee on Economic Development, I feel compelled to congratulate the efforts of all those who were involved in improving the lot of all of those people that are looking to work and relieve the burden that have been so much a part of our life here.

We have expanded the Empire Zones. We have listened to those that said we need better roads and bridges, those from local government and our citizens as well. And everything that you see, even the forgiveness of loans, UDC loans, with our colleges and universities and requesting them to make those payments into something else, that translates into economic development.

This is all about job creation.

It's all about improving the quality of life in New York State. And it is money wisely spent as we improve the lives of every overburdened taxpayer in New York State.

ACTING PRESIDENT MORAHAN: Senator Alesi will be recorded in the affirmative.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Mr. President.

I just would like to -- first of all, I concur with my colleagues on the large issues around what they view as important in the budget. But I just wanted to point out a couple of things that I want to especially compliment and thank the leaders for looking out for, and one of them is the Empire Zone administration.

Certainly I have a couple of Empire Zones in my district, and they are extremely important, especially as it relates to job development and also being there to support the revitalization of our economy in the city, hopefully. And it's been very, very disappointing to see that the Governor has not

decided that this is important, but certainly the legislative leaders have, and I appreciate that.

I also appreciate your attention to a small but very important item in this budget, the New York Industrial Retention Network. It's extremely important, I think, probably to other parts of the district.

And I also want to especially thank you for your investment in the community housing development organizations throughout the state, the Neighborhood Preservation Program and the Rural Preservation Program. I listened to people from across the state talk about how they were struggling in communities across the state to help people maintain their homes, to help rebuild communities. And certainly in New York City, and my district in particular, it's been an extremely important source of revitalization and development of affordable housing for people in our state.

And lastly, I want to say that I met some young people from the Future Farmers of America. And I'm not sure if this is the only -- this is the only place that I see an

allocation for them. But I have been very impressed by those young people. They come from farms across the state, they come here and they are able to articulate and share their experiences. They're very excited about the opportunities that they have to develop their skills as farmers. And I suppose that some of them will become actually the future farmers of our state.

And so I'm appreciative that we've supported them. I have a feeling that we should probably be doing a lot more, because those young people deserve a lot of attention. That's a very important aspect of our state, the agricultural and farming aspect of our economy.

So overall, Mr. President, I'm going to vote for this budget because it does have some very important and significant areas that I think we should be supporting. And hopefully those areas that we need to have a lot more discussion about, we will in the future.

Thank you.

ACTING PRESIDENT MORAHAN: Thank

you. Senator Montgomery will be recorded in the affirmative.

Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

For each of us, there's always something in this budget that is important to our districts. But I would first like to congratulate Senator Marcellino on the environmental package. He did an outstanding job, and I think for the environmental budget this is probably one of the best. Having $200 million for the Environmental Protection Fund I think is very historic and very, very important.

There's an item here of $50 million for land acquisition, and certainly that is statewide. But for my district, it is -- we are at a very, very important juncture, because what will be preserved or what will be built on is an eight-year period of time. When we look in eight years out, we will have either built on everything that we're going to build on or preserved what we need to preserve.

So the money here for open space acquisition, along with monies from the towns and the county, will help us a great deal in our mission in the First Senatorial District, Eastern Long Island, to continue our preservation efforts so that we can maintain the quality of life for our citizens, not only in the East End but in the County of Suffolk.

I'm going to be voting aye. Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you. Senator LaValle will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 497 are Senators L. Krueger, Parker, and Schneiderman. Ayes, 56. Nays, 3.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 501, Senate Budget Bill, Senate Print 6459C, an act to amend the Environmental Conservation Law.

SENATOR SCHNEIDERMAN:

Explanation.

ACTING PRESIDENT MORAHAN: Senator Johnson, an explanation has been requested.

SENATOR JOHNSON: Mr. President, this bill implements the appropriations which were included in the previous bill, 6455C, in accordance with Article VII of the Constitution.

ACTING PRESIDENT MORAHAN: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. On the bill.

ACTING PRESIDENT MORAHAN: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you so much. Just to clarify a number of the comments that people were making in explaining their previous vote.

Many of the things people were saying were good about the last bill are actually in this bill, so that they weren't relating to the previous bill which I voted against.

And that some of the things that

were already mentioned on the floor here today are important and good things, and one can make the argument, as I do, that I can vote for the language bill because of the sections therein that address some of the key concerns that my colleagues on the other side of the floor were just making in their explanation of their votes, but doesn't change the fact that the previous bill actually is what I would call the pork bill for New York State's budget and is not justified.

But in this bill, it is true that we are establishing language for the Environmental Protection Fund, although it will still require dealing with in a later bill because of the way that the language of the Governor was written into the budget bill.

And it does provide some of the language for the MTA to expand its bond authority, to accomplish its capital plan for megaprojects that were discussed as being so important to my colleagues in Long Island and to my colleagues here in New York City. And the language bill does ensure that there's money put back in specifically for affordable

housing programs.

So again, I think that when I hear my colleagues talk about "the budget" as any given bill, as if you either support the entire budget as proposed or individual sections of the budget, I think it's key to recognize that there's a reason that we take the state budget and we divide it up into a series of different pieces of legislation, both appropriations bills and language bills.

Because the state budget is a policy document. It determines the direction we go and how we spend our money, how we do in fact spend those dollars or not, and how we collect those monies.

So even in response to an earlier comment by Senator Bruno when he talked about $3.5 billion in tax cuts that this house had supported, well, some of us didn't support that. I distinctly remember voting against that bill. So the devil is in the details.

And this language bill, S6459C, that we are currently voting on has some important things in it that I do support and, in fact, my colleagues have already explained

they support. But just for the record, two different bills, two different sets of questions before us. And people should double-check, perhaps, which bill they're addressing.

But I will be supporting this bill, Mr. President. Thank you very much.

ACTING PRESIDENT MORAHAN: Thank you, Senator Krueger. You will be recorded in the affirmative.

Any other Senator wish to be heard?

Debate is closed. Ring the bells.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Senator Parker, to explain his vote.

SENATOR PARKER: Yes, Mr. Chairman, thank you.

Again, you know, I think that there's some great things in this budget. I am really torn about the decision.

But, you know, the priority, I think, of this Legislature is to protect our future. And there's nothing more important in our future than our young people. And just on behalf of the 1.1 million schoolchildren who are now going to inadequate schools without enough resources, I'm voting no on this budget because it doesn't properly provide for them.

Thank you, Mr. Chairman.

ACTING PRESIDENT MORAHAN: Thank you, Senator Parker. You will be recorded in the negative.

Announce the results.

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

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, is there any further business at the desk?

ACTING PRESIDENT MORAHAN: No, there is not.

SENATOR SKELOS: Would you please recognize Senator Duane for a petition, a bill out of committee.

ACTING PRESIDENT MORAHAN: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. I have a motion at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Senate Print 6503, by Senator Duane, an act to amend the Public Health Law.

SENATOR DUANE: Thank you. This is for my bill, S6503, Manny's Law.

This bill would require hospitals to provide patients with written information in the patient's primary language on the following. Whether the hospital offers charity care or financial assistance, whether the hospital receives from New York State for the reimbursement of charity care provided by the hospital, a pamphlet with information on public health insurance programs, how patients can apply for such programs, and the standards for assessing eligibility for public insurance programs.

And the bill also provides for a strong civil cause of action for patients who

are not notified by hospitals of these programs.

ACTING PRESIDENT MORAHAN: A little respect. Could we take the conversations out of the chamber, please.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I'm about to speak about the late Manny Lanza.

Manny Lanza died of a ruptured blood vessel because a New York hospital was more concerned with how it was going to get paid than how it was going to provide proper treatment for him. And that's an outrage.

But Mr. Lanza's case is far from the only one. The situation happens in New York hospitals on a daily basis. While the results often don't end in a death, there is an incredible amount of undue stress placed on patients who cannot afford to pay hospital medical bills. The hospitals put pressure on indigent patients to pay up. And if that doesn't work, the hospitals send in debt collectors to harass them.

To make matters worse, uninsured patients are charged far more for hospital services than those who are insured. Insurance companies simply won't pay the exorbitant prices that these indigent patients are then forced to pay.

And there's no justifiable reason for it. The State of New York already pays hospitals over $847 million through its Bad Debt and Charity Care funds. Twenty-two New York City hospitals receive roughly 40 percent of this amount. These funds are designed to provide hospitals with the ability to pay for the medical care of the medically indigent and write off any debt incurred by patients who can't pay.

So in theory, the Bad Debt and Charity Care funds sound wonderful. But there is a problem. Almost every hospital fails to notify patients about the availability of these funds. If you walked into a hospital today and asked about how to apply for these funds, odds are nobody would be able to tell you.

So this begs the question, what

exactly are the hospitals doing with all this money? Why are poor patients being hounded by collection agencies or, worse yet, just flatly being denied medical treatment? Why did Manny Lanza have to die?

It's tragic that we even need to do this legislation. But the death of Manny Lanza and the thousands of others who are denied medical care proves that we do need it. Hospitals have shown that they can't really be trusted to do the right thing. I'll be working hard in the legislative session to make this law a reality, and it's my hope that we will never again have someone die in New York simply because they don't have enough money to pay a medical bill.

But I have to say I'm pleased that the Legislature listened to me, or in large part listened to me. And I'm thrilled that my bill has made such a strong impact that many of my Manny's Law provisions are in the health and mental hygiene bill that we will take up tomorrow.

You know, one of the first things I learned around here by being a member of the

Senate Minority is that you can get anything done if you work hard enough -- hate crimes, SONDA, clinic access, gun control legislation, women's health and wellness, and now Manny's Law -- as long as you're willing not to get credit for it, apparently.

So I'm honored that my bill's primary purpose made it into the state budget. It will help countless New Yorkers whose only crime is that they can't afford to pay a medical bill. But if it helps just one person to get the medical help that they deserve, if it helps one family to not be hounded by collection agencies, then I'm happy not to get credit for this.

You know, since all of you in the Senate -- and, frankly, in the other house as well -- heard my message, I'm going to withdraw my motion.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Duane.

The motion is withdrawn.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr.

President. There being no further business to come before the Senate, I move we stand adjourned until Friday, March 31st, at 10:30 a.m.

ACTING PRESIDENT MORAHAN: On motion, the Senate stands adjourned until Friday, March 31st, 10:30 a.m.

(Whereupon, at 12:10 p.m., the Senate adjourned.)