NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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March 12, 2007

3:18 p.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT WINNER: The Senate will 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.)

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

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

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

ACTING PRESIDENT WINNER: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 11, the Senate met pursuant to adjournment. The Journal of Saturday, March 10, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Assembly Resolution advising the Members of the Senate of the time and place of the joint session to cast a joint ballot for the purpose of electing Regents of the University of the State of New York.

ACTING PRESIDENT WINNER: Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate 1863.

ACTING PRESIDENT WINNER: So ordered.

Senator Young.

SENATOR YOUNG: Mr. President, on page number 14 I offer the following amendments to Calendar Number 161, Senate 1116A, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT WINNER: The amendments are received and adopted, and the bill will remain on the Third Reading Calendar.

SENATOR YOUNG: Thank you, Mr. President.

Mr. President, on page number 13 I offer the following amendments to Calendar Number 128, Senate 1092, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT WINNER: The amendments are received and adopted, and the bill will remain on the Third Reading Calendar.

Thank you, Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator

Duane.

SENATOR DUANE: Thank you, Mr. President.

On behalf of Senator Stavisky, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate 2908.

ACTING PRESIDENT WINNER: So ordered.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 70, by Senator Skelos, Senate Print 642, an act to amend the Real Property Law, in relation to reverse mortgage loans.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 98, by Senator Maziarz, Senate Print 106, an act to amend the Labor Law, in relation to job protection.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 114, by Senator Robach, Senate Print 2084A, an act to amend the Retirement and Social

Security Law, in relation to extension.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 184, by Senator Marcellino, Senate Print 610 --

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT WINNER: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 188, by Senator Padavan Senate Print 1662, an act to amend the Penal Law, in relation to disposal.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of November.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 191, by Senator DeFrancisco, Senate Print 1824, an act to amend the Criminal Procedure Law, in relation to statements at sentencing.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 220, by Senator LaValle, Senate Print 1277, an act to amend the Correction Law, in relation

to requiring.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 223, by Senator Skelos, Senate Print 1772, an act to amend the Correction Law, in relation to the maintenance of information.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 234, by Senator Flanagan, Senate Print 891, an act to amend Chapter 672 of the Laws of 1993, amending the Public Authorities Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The bill is passed.

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

SENATOR SKELOS: Please recognize Senator Duane.

ACTING PRESIDENT WINNER: Senator Duane.

SENATOR DUANE: Minority conference, Mr. President, in Room 315.

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Mr. President, Senator Duane has assured me that it will be brief, so we'll take the stand at ease for a few brief moments and then we'll reconvene.

ACTING PRESIDENT WINNER: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:26 p.m.)

(Whereupon, the Senate reconvened at 3:54 p.m.)

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to the noncontroversial calendar, I believe Calendar Number 184 was not voted upon.

I believe Senators Hassell-Thompson and Montgomery wish to cast negative votes. So if we could bring up that bill at this time.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 184, by Senator Marcellino, Senate Print 610, an act to amend the Penal Law, in relation to

establishing.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 184 are Senators Hassell-Thompson and Montgomery.

Ayes, 58. Nays, 2.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Finance Committee in the Majority Conference Room, and that will be followed by a meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT WINNER: Thank you, Senator Skelos.

There will be an immediate meeting

of the Senate Finance Committee followed by an immediate meeting of the Rules Committee.

SENATOR SKELOS: If we can stand at ease, Mr. President.

ACTING PRESIDENT WINNER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:55 p.m.)

(Whereupon, the Senate reconvened at 4:58 p.m.)

ACTING PRESIDENT WINNER: The Senate will come to order.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT WINNER: Senator Skelos.

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

ACTING PRESIDENT WINNER: The Secretary will read.

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

Senate Print 2100B, Senate Budget Bill, an act making appropriations for the support of government, PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET;

2101A, Senate Budget Bill, an act making appropriations for the support of government, LEGISLATURE AND JUDICIARY BUDGET;

2102A, Senate Budget Bill, an act making appropriations for the legal requirements of the state debt service;

2103B, Senate Budget Bill, an act making appropriations for the support of government, EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET;

2104A, Senate Budget Bill, an act making appropriations for the support of government, HEALTH AND MENTAL HYGIENE BUDGET;

2105B, Senate Budget Bill, an act making appropriations for the support of government, TRANSPORTATION, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL CONSERVATION BUDGET;

2106B, Senate Budget Bill, an act to amend the Civil Service Law and the State Finance Law;

2107B, Senate Budget Bill, an act to amend the Education Law;

2109B, Senate Budget Bill, an act to authorize funding for the Consolidated Local Street and Highway Improvement Program;

And Senate Print 2110B, Senate Budget Bill, an act to amend the Tax Law.

All bills ordered direct to third reading.

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Mr. President, move to accept the report of the Rules Committee.

ACTING PRESIDENT WINNER: All those in favor of accepting the Rules report.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Nays.

(No response.)

ACTING PRESIDENT WINNER: The Rules report is accepted.

Senator Skelos.

SENATOR SKELOS: If we could now go to the noncontroversial reading of Senate Supplemental Calendar 21A.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 297, Senate Budget Bill, Senate Print 2100B, an act making appropriations for the support of government, PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET.

ACTING PRESIDENT WINNER: Last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 299, Senate Budget Bill, Senate Print 2102A, an act making appropriations for the legal requirements of the state debt service.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 301, Senate Budget Bill, Senate Print 2105B, an act making appropriations for the support of government --

ACTING PRESIDENT WINNER: Read the last section.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 302, Senate Budget Bill, Senate Print 2106B, an act to amend the Civil Service Law and the State Finance Law.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 304, Senate Budget Bill, Senate Print 2109B, an act to authorize funding for the Consolidated Local Street and Highway Improvement Program.

ACTING PRESIDENT WINNER: Read the last section.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 305, Senate Budget Bill, Senate Print 2110B, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 333, Senate Budget Bill, Senate Print 2104A, an act making --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

Senator Skelos, that completes the noncontroversial reading of the supplemental calendar.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: If you would call up Resolution Number 895.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 895 --

SENATOR DUANE: Lay it aside, please.

SENATOR SKELOS: Lay it aside.

ACTING PRESIDENT WINNER: The bill is laid aside.

SENATOR SKELOS: And please call up Resolution Number 898.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 898, adopting a

budget resolution --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The resolution is laid aside.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I'd like to call a very brief Minority conference in Room 315.

ACTING PRESIDENT WINNER: There will be a very brief Minority conference in Room 315.

Senator Skelos.

SENATOR SKELOS: I would point out that Senator Duane mentioned that the conference would last five minutes, so we will give him the benefit of the doubt and reconvene at ten after 5:00.

ACTING PRESIDENT WINNER: The Senate stands at ease until ten after 5:00.

(Whereupon, the Senate stood at ease at 5:04 p.m.)

(Whereupon, the Senate reconvened at 5:25 p.m.)

ACTING PRESIDENT WINNER: The Senate will come to order.

Senator Bruno.

SENATOR BRUNO: Mr. President, at this time if we can start with the controversial calendar, with Number 333.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 333, Senate Budget Bill, Senate Print 2104A, an act making appropriations for the support of government, HEALTH AND MENTAL HYGIENE BUDGET.

SENATOR SMITH: Explanation.

ACTING PRESIDENT WINNER: Senator Bruno, an explanation has been asked for.

SENATOR BRUNO: Thank you, Mr. President, Senators.

The bill that's before us represents the Governor's proposal for healthcare reform as part of the budget.

And let me share a point of view. Tax increases on the healthcare delivery system are not reform. Most of what is here has been proposed to the Legislature over the

last ten years and rejected, sometimes unanimously, both sides of the aisle. This proposal before us is not reform. You have rejected most of this year after year after year.

So what is in this budget? Depending on how you count, about a billion-three to a billion-five in cuts or increases in assessments in your districts for your constituents who need a quality of healthcare that's accessible and that's affordable and that really puts patients first.

So we respect this Governor and his great desire for reform. We have done a lot of things together this year, things that we have been, for years, in this house trying to get done. You know what they are. And there's a lot more we're going to do.

But what is before us is not healthcare reform. It doesn't do anything to encourage doctors to practice, stay in practice. It doesn't do anything to attract, retain, retrain healthcare delivery personnel. It deprives even some of the home care, the

rural care to people that are presently getting it. And the ramifications can mean up to 12,000 layoffs in healthcare delivery here in this state.

So that when you go down the litany of what is here, every member here can access specifically what the negative impact of the bill that's before us will cause to their constituency. So this gets to be a moment of truth. A moment of truth. Do we politicize this whole process? Do we just choose up sides? Or do we do what we're elected to do, to be representatives?

And if I went down some of the specifics, as I'm going to ask you to do as you examine this, take a look at the cuts in the hospitals in your districts, take a look at the cuts in the nursing homes in your districts. Take a look. They're on the sheet. And if you need them, ask me. I will read them to you.

And right around here, Senator Breslin's district, my colleague, my friend. Sometimes.

(Laughter.)

SENATOR BRUNO: Albany Med, right here, greatest healthcare delivery provider in 17 counties. What we're talking about here is what the Governor proposed, match most of Medicaid with the feds. You're up to almost $3 billion in cuts, in pain and in punishment. Albany Med I think is somewhere in the neighborhood of $13 million, combined cuts. Cuts. St. Peter's, 7 or 8 million.

What does that mean? What does that mean to people who go in when they're sick, when they're injured? What does that mean? That's not reform. That's pain.

And unless I'm mistaken, there's an expansion plan in your district that may not take place, approximately 170 people being added there in every aspect of healthcare, which may not take place.

So those are the decisions that we're asking you to make. Senators, we want you to take a look at the responsible thing -- and I'm not lecturing and I'm not preaching. But as I take a look here -- and I'm not go to take the time to read through the impact of these cuts -- not reform, cuts.

You want reform? You want reform? Two or two and a half years ago this body had a Task Force on Medicaid Reform. There were 40 bills that resulted from that. We in this house passed, I believe, every single one of them.

How many of them made it through the Assembly? How many made it through the Assembly? Well, let me share with you. I don't think three of them made it through the Assembly.

So this Governor, who has done some great things in getting to the Assembly to do what we've done in budget reform, workers' comp reform, civil confinement that we couldn't get done, lobbying, ethics reform -- a bill that we did four or five years ago, a lot of it. I'm asking this Governor to get the Speaker, get the Assembly or the great majority of your colleagues there to now pass those reform bills that we did. Most of you -- and people on the second floor, through no fault of theirs, because most of them are new, they don't know that we did this two or three years ago.

So what do we look at? We look at what we unanimously rejected last year, when we had a different Governor, in this chamber. That's what we're looking at. And that's what the Assembly rejected. Why? Because we had a different Governor. We had a Republican. Is that the way you govern, depending on whether the Governor is Democrat or Republican? Is that how we're going to govern? Is that how you're going to represent your constituents?

So I'm asking you, take a look at the impact of the bill that's on the floor in your district -- not collectively, not generally, with the 2.5 to 3 billion in combined cuts.

And yes, President Bush erroneously makes recommendations and proposals to take $100 billion out of the healthcare delivery system in the next five years, 2.8 billion impacting New York over the next several years. That's wrong. That is wrong. And that's why we were in Washington last week, with the Speaker, with Congressman Rangel, with Senators Schumer and Clinton and the whole Congressional delegation, appealing to

the President not to go where they are headed in depriving people of healthcare.

So when we look at the Bush proposal, we look at this proposal by the Governor, it is well-intentioned, but it is wrong. It is wrong. It is not representing the best interests of putting patients first.

Child Health Plus, we hear we have to encourage people for Child Health Plus. When we're depriving their enrollment with employers, we're making it more difficult for them in this proposal to provide insurance. That's not where we want to be.

We have 2.7 million uninsured in this state. We keep hearing we're going to take 800,000 of them off the rolls. How? How? How? By diminishing healthcare? By, in your districts, Senators, diminishing healthcare? Tens of millions of dollars in cuts, that's how you're going to reduce the uninsured in this state? I don't think so.

And if people will take a look objectively, honestly, responsibly at what we are purporting to do to our constituents, we will vote no on this proposal as part of this

budget and then we will go on to fix the pain and the hurt that is before us in this proposal.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Bruno.

Senator Hannon.

SENATOR HANNON: Thank you.

I rise to oppose this legislation. At the beginning of this year I thought, when we had a new Governor, we had new hope in regard to what we needed to do in this state in regard to health. And when the budget came out, I was sorely disappointed. I was struck by the number of inconsistencies that exist in this whole area of health.

I see the Governor takes a look at education and says things don't work in education, and he adds money in that arena. And then he takes a look at health and says it doesn't work, the system is broken, and then he says we'll take money away from it. I can't understand that as a contradiction.

Senator Bruno already mentioned that he has this great goal in regard to

covering children, making sure every child in the state has health insurance, and talks about raising the level for children's health insurance to 400 percent of poverty. And then you look at the document that is proposed and you look at the appropriation, and there's only $11 million in that for this proposed expansion. I don't understand this as a contradiction. Where is the actual implementation?

And then how would there be an expansion for kids if we're going to be cutting back on everybody who's had a healthcare provider? It doesn't make sense.

A catchy phrase I've heard very often, I had a nurse in my office last week who said, "I was just briefed by the Governor's people and I was told, you know, Medicaid dollars ought to follow Medicaid patients."

I said, "Well, that sounds pretty interesting. You're a nurse. You've been on the floors of several hospitals. Have you ever seen a Medicaid pill? Have you ever seen a Medicaid bed? We don't have a Medicaid

pharmacy." What we try to do is, by formulas, allocate the money for the patients that are taken care of. And that's what we've being been doing in this state.

Another thing is we hear the talk about how many people we educate in this state, and they go elsewhere after they're physicians. We know that. This is a state that has great academic medical centers. They are the pinnacle of the health care in this state. We have constructed it. Both sides of the aisle, several generations of governors, we have said that's what we want.

The last time we did a major review of graduate medical education -- that's what GME stands for -- there was a movement in the nation that said we have too many doctors. So what we will do, they said, as incentives to the medical centers, we'll cut back. But if you -- because those doctors, when they're being trained are valuable staff members, we'll pay you more because you're going to have to replace them with other staff people.

So we set up a formula to do that. And in the meantime, life has changed. It

turns out that we need more doctors, not less. We need more nurses, not less. We have a system that is facing, every year, continued increased pressure because the baby boomers are getting older and when you get older you need a lot more healthcare.

People aren't happy with the system. There's nobody in this state connected with healthcare, connected public policy, that's going to say to you this system works. None. What we want is someone with a vision who will actually set forth a system of healthcare that we can work on making sure the processes are efficient, making sure it's funded, and provide the healthcare to our constituents.

Senator Bruno mentioned that we had a Task Force on Medicaid Reform. We started that with Senator Meier, and we came up with a whole mess of recommendations -- disease management, comprehensive utilization review, maximum use of technology, and I could go on.

Disease management. It sounds pretty complicated. Just last week we had the head of Montefiore Hospital in the Bronx

telling us what they have done to implement disease management in the Bronx, to prevent people who don't have to come into an emergency room for care from having to come into that emergency room.

By simple contact, by simple calls, by making sure that all of their medication is taken care of. For exotic diseases? For something wrong with the heart. And to make sure they don't have to visit the emergency room. Saves money. Saves lives. Gives better healthcare to the patients involved.

Our task force said we want that as part of Medicaid. We had to work so hard to get the demonstration programs out there. They're up. They could be adopted, they could be scaled up. It could make Medicaid much more than a bill payer; it could make it a healthcare system. That's what we want in this state.

In the same vein, telehealth. Now, the Governor talks about, oh, you know, we need to have better community health. Well, I don't see it in the budget. But I'll tell you what we did a couple of years ago. We set up

a whole series of grants throughout the state on telehealth. There's now about 40 of them.

And the people who testified at the budget finance hearing with regard to health said it's time to make this an ongoing program, time to build this in as a reinvestments stream in Medicaid so we don't have to have people come to the hospital, we don't have to have people come to the nursing home.

The information is there. Is it in the budget? No. That's what we need. We need a vision, and we need an implementation of that vision.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Hannon.

Senator Smith.

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

I for one moment thought that you couldn't see me from there, though perhaps it was something more to do with my tie than the seat in which I sat in. But then I looked over at Senator Hannon. I recognized that

he's the chair of that committee, and I'm only the Minority Leader for now, so I guess you chose to support him first.

But let me just --

ACTING PRESIDENT WINNER: Senator Smith, we try also to recognize those who put their hands up first. Senator Hannon was chose to be -- to speak prior to you.

So I apologize if there's any slight. None was intended.

SENATOR SMITH: Thank you very much, Mr. President. And none taken.

Let me -- first of all, let me acknowledge the passion of the leader, Joe Bruno. Passion that I can appreciate, passion that I accept, passion that those of you that are watching on these video screens are going to accept.

Let me also acknowledge what Senator Hannon stated. I'm not sure whether or not it's factual, but I will at least acknowledge what he said.

One of the things that interests me and I guess interests many of us is that here we are today talking about healthcare, and

there is debate or expressions that there is a lack of interest on someone's part because there is some belief that they're not trying to do the right thing by the people of this state.

I think, for the record, we need to be real clear about the fact that I'm assuming, at least given the remarks of the leader, that everyone wants to do the right thing by the people of this state, whether you are in Joe Bruno's party or whether you are in the Democratic Party.

Some people got that; some people didn't.

(Laughter.)

SENATOR SMITH: But the point of the matter is what we are trying to do today. And by supporting this bill, we are saying to the people of the State of New York that we got their message. And it was a simple message. Three, four years ago, two years ago, when $2 billion was given to health organizations and other people were hurt by that across the State of New York, there wasn't a tremendous outcry.

Now what we are trying to do is to just rightsize that. This is not difficult. This is not something that we need to spend a lot of time on. I know the politics of it. But the bottom line is all we're doing here is trying to correct the past that had some challenges.

All we're trying to do here is to make sure 400,000 uninsured youngsters are insured. That's not difficult to understand, gentlemen, ladies. All we're trying to do here is to make sure 900,000 adults, uninsured, who live in your district, live in our districts, are insured.

All we want to make sure is that we get this right. We're not saying that what has happened in the past was totally wrong. All we're saying now is now we have an opportunity to fix it and we should take that opportunity to do that right now.

You've heard from your constituents, you've heard from ours, and all they're saying is make sure that patients come first. Nothing wrong with CEOs making $5 million or $6 million. Nothing wrong with

people advocating their position on the issue. But if you're going to spend $21 million here, $30 million here, salaries of 8 or 9 million, the need of the patients outweigh what you're paying and what you're offering up to make this case.

It's very simple. The people that are watching us today are saying why don't we just use common sense. One plus one equals two. If I'm not insured, help me get insured. If I go to the doctor and I can't see the doctor because the actual doctor says, Well, let me check your insurance, and you may not have it, you've got to go somewhere else -- we have to correct that.

Senator Diaz has that problem in his district. Senator Gonzalez has that problem in his district. Senator Ruth Hassell-Thompson has that problem. Senator Tom Duane has that problem. Senator Bill Perkins had that problem. Senator Schneiderman has that problem. Senator Sabini has that problem. Senator Carl Kruger has that problem. Senator Huntley has that problem. Senator Klein, Senator Johnson,

Senator Connor, Senator Valesky, Senator Serrano, Senator Toby Stavisky, Senator Sampson, Senator Dilan, Senator Parker, Senator Eric Adams, Senator Bill Stachowski, Senator Shirley Huntley, Senator Neil Breslin.

Senator Wright, Senator Dean Skelos, Senator Saland, Senator Johnson, Senator Bruno. Senator.

(Laughter.)

SENATOR SMITH: Senator Hannon, Senator Farley, Senator Bonacic, they all have that problem.

I only named 11 on your side. I only need 11.

(Laughter.)

SENATOR SMITH: They have that problem. So all we're saying is do the right thing.

Now, let me explain to you what the right thing is. Let me tell you -- because you are very right on, Senator Bruno. You said specifics. And I think it's important. I need you, ladies and gentlemen, to understand what it is that you're not doing when you vote no on this bill, and I don't

think you know that.

I don't think you know if you vote no you're going to eliminate $5 million that would expand access to cervical cancer vaccines. I don't think you know if you vote no you're taking $5 million for public education, mammographies, colorectal screening, infection control, prenatal care, green cleaning products. I don't think you know, if you vote no for this, $3 million would have been used to prevent childhood lead poisoning. I don't think you know, if you vote no, you eliminate $2 million for obesity prevention.

I don't think you know if you vote no, especially in some of these districts, in our districts, $2 million dollars for prenatal postpartum home visits. Do you know how many of our young ladies cannot afford, do not have the ability to go to the hospital? You're talking about home visits.

I'm not even talking about $82 million for AIDS/HIV. I'm not even talking about what you're going to do about nutritional programs at $41 million.

I don't know if you got all the facts. I think somebody held some of that back from you. So it's our obligation to help you understand the importance of being on this side of the fence. So --

ACTING PRESIDENT WINNER: Senator Bruno, why do you rise?

SENATOR BRUNO: Mr. President, I wonder if Senator Smith would be kind enough to yield for a question.

ACTING PRESIDENT WINNER: Senator Smith, do you yield to a question?

SENATOR SMITH: I will yield as soon as I finish my statement.

ACTING PRESIDENT WINNER: The Senator refuses to yield at this time.

SENATOR BRUNO: Thank you, Mr. President. That will be sometime today?

(Laughter.)

SENATOR SMITH: Vital records requirements, $6 million. Emergency contraception, $2.6 million. System improvements, tracking contagious disease, $2.5 million. I don't think you know. I don't think you know.

So what becomes important, before you cast that vote and when you have to go back home and talk to not only your constituents but your family about what you did, know the facts. Know the facts. I'm not asking not to vote your conscience. Vote your conscience. That's your right. But at least know the facts. Check all the facts. That's important.

You are going to do something today that I hope you recognize many people will follow from this day forward. This was a good day for the people of the State of New York. A lot of people that's uninsured are going to be insured. A lot of people that need healthcare are going to get that. A lot of people that need the help and the education are going to get that as well.

So I look forward to supporting this bill, and I would hope that some of you recognize the importance of it as well.

Now, Mr. Chairman, I will yield for a question.

ACTING PRESIDENT WINNER: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President.

Four hundred thousand children added to Child Health Plus?

ACTING PRESIDENT WINNER: Senator Bruno, are you asking Senator Smith to yield?

SENATOR BRUNO: I am.

ACTING PRESIDENT WINNER: Senator Smith, do you yield to Senator Bruno for a question?

SENATOR SMITH: Yes, I do.

ACTING PRESIDENT WINNER: Thank you.

SENATOR BRUNO: And I am asking Senator Smith, through the chair, Mr. President, how in this proposal do you add 400,000 young people to Child Health Plus and how do you, secondly, get 900,000 uninsured insurance by cutting almost $3 billion out of the system, Senator? Can you answer that for us?

SENATOR SMITH: Well, let me answer. One is we need federal approval, which we will get in short order.

And the bottom line is what we have

done in this entire budget, Senator, as you know, you pulled out one small portion of an entire budget. And the reason why you pulled it out was because you wanted to place our conference, if you will, in the position of trying to show where they are on this one issue.

The entire budget that the Governor has, as you know, the entire budget calls for a savings on one portion to fund the other. It's just that simple.

We are going to be working, you went to Washington -- you went to Washington, and you know that when we go to Washington, we get that approval, a month or two, and the job will get done.

ACTING PRESIDENT WINNER: Senator Bruno.

SENATOR BRUNO: Mr. President, would Senator Smith yield to another question?

ACTING PRESIDENT WINNER: Senator Smith, will you yield?

SENATOR SMITH: Yes.

ACTING PRESIDENT WINNER: Senator Bruno.

SENATOR BRUNO: You're assuring this conference that the feds are going to approve what you're relating to so we can get 400,000 children insured and 900,000 people insured? Is that what you're assuring us? That's my question.

SENATOR SMITH: My answer to you is the process is we go to Washington, as we've done years in the past, and we will move forward with this once we get their approval.

SENATOR BRUNO: Would Senator Smith yield to another question?

ACTING PRESIDENT WINNER: Senator Smith, do you yield?

SENATOR SMITH: Yes.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR BRUNO: Thank you. You're very kind.

Senator Smith, do you know that Senator Craig Johnson sitting behind you, listening attentively, will have hospitals in his district cut $38 million and nursing homes, Senator, cut in your district $6.575 million? Senator Smith, do you know

that negative impact?

SENATOR SMITH: Yes. And I what do know is that if you have did your job three years ago, we would not be here today.

Thank you.

ACTING PRESIDENT WINNER: Senator Bruno.

SENATOR BRUNO: Mr. President, I don't quite understand that answer.

ACTING PRESIDENT WINNER: Senator, are you asking Senator Smith to yield to clarify his answer?

SENATOR BRUNO: If he wouldn't mind.

ACTING PRESIDENT WINNER: Senator Smith, do you yield to Senator Bruno to clarify your answer?

SENATOR SMITH: Sure I do. My answer stands.

ACTING PRESIDENT WINNER: Thank you, Senator.

SENATOR BRUNO: Mr. President, do I have the floor?

ACTING PRESIDENT WINNER: Yes, Senator Bruno.

SENATOR BRUNO: There is no answer.

And, Senator Smith, we're trying to keep a congeniality here and not be personal. And I would respect that. I give respect and would appreciate respect.

And when I go through -- these are facts. This is not rhetoric. This is not supposition. This is not dreaming and wishing about what will be delivered out of Washington.

And I can go down through, if you Senators haven't looked at this -- and I would like not to go down through. But many of you are going to answer to the people who are looking for quality healthcare. We're going to have to answer to them.

As I look at the millions and millions of dollars, like the almost $17 million cut in nursing homes in Senator Malcolm Smith's district -- $17 million for a system that is distressed already. Two million in the hospital cut in a system that is distressed already.

Senator Stavisky, $3.5 million cut

from your hospitals that are already stressed, $9.5 million in nursing homes, off the bottom line. What will you answer to the people when they ask you why, why am I being depressed, why am I being deprived?

Senator Montgomery, $18 million cut to hospitals, $5.7 million to nursing homes cut. How will you answer your constituents?

Senator Sampson, almost $4 million to hospitals, almost $7 million in nursing homes. How will you answer people who will be deprived of healthcare?

This is reality, Senator Adams. Nineteen million cut, cut for hospitals. How do you feel about that, when the patient's first, 11 million cut from nursing homes? Is that a good thing? Is that a reform to the system?

Senator Savino, nursing home cuts. Do you know how much, Senator? Over -- do you? Over $17 million. That's what you're about to support? I hope not.

Senator Connor, hospitals -- very distressed hospitals, by the way -- $20.7 million; nursing homes, $9.67 million.

I'm not making these numbers up. These are from -- Senator Krueger, this is from the budget: $77.5 million cut from your hospitals. Do you applaud that? Do you support that? That's a rhetorical question.

(Laughter.)

SENATOR BRUNO: I'm afraid you might answer.

Nursing homes, $5.4 million. I'm just picking numbers.

Senator Serrano, you'll be sad to hear, $16 million cut from your hospitals who desperately need the income. Nursing homes, $11.7 million plus.

Senator Duane, this Governor, I've got to tell you, is certainly fair in the pain, Senator. Because your hospitals will be $29 million less going forward than they have in revenue now to deliver quality healthcare to your constituents, and $5 million to your nursing homes.

Now, Senator Schneiderman, I don't want you to feel deprived, and the Governor didn't either.

(Laughter.)

SENATOR BRUNO: $24.4 million, thank you, to deprive patients of healthcare. And $18 million to nursing homes cut.

Now, I wish that I would make this up. Senator Gonzalez, I wish that this weren't true, $19 million cut to the hospitals, $13.5 million cut from nursing homes.

Now, when people are asking --

ACTING PRESIDENT WINNER: Senator Smith, why do you rise?

SENATOR SMITH: Would Senator Bruno yield for a question?

ACTING PRESIDENT WINNER: Senator Bruno, will you --

SENATOR BRUNO: When I've finished, Mr. President. Thank you.

(Laughter.)

SENATOR BRUNO: Senator Klein wants to know how much is going to be cut in his district to hospitals. $22.6 million plus.

You got it? Okay. You got the mailing? You're going to get another one.

(Laughter.)

SENATOR BRUNO: Total -- oh. Sorry, Senator. Eleven million cut from your district there in Westchester, Senator Andrea Stewart-Cousins. That surprises me some.

Shall I go on? Don't answer.

(Laughter.)

SENATOR BRUNO: This is fact. This is not rhetoric, Senator. This is not personal. These are facts. This is pain. This is suffering. This is deprivation of services to a community.

And when I look at Senator Ruth Hassell-Thompson, $19 million taken out of your nursing homes. Again, I wouldn't want to hear your answers if we asked you individually. Can your nursing homes sustain that? Can the patients that are there sustain that? I don't think so.

And Senator Breslin we've gone through. And I don't want to just keep repeating. But the major impact is right here.

And Senator Thompson, $14.5 million cut for hospitals, $6 million -- you understand what I'm trying to clarify?

We're not talking politics. This isn't rhetoric. These are facts. These are dollars. And cutting and creating this kind of pain is not reform.

Where's the reform that takes the waste and the fraud out of the system? Where is that? Federal studies that have been done showing that there's as much as a third of the system that's in waste, inefficiency, fraud. Do you know what that is in this state? $15 billion. Where's that in this?

Now, be conservative. Take 10 percent out of the system. Where is that? That's $4.7 billion. You want reform? Let's join together and let's do that, Senators. Let's do that. But let's not take the dollars out of the hospitals, out of the nursing homes, out of community service, out of home care. Let's not do that.

Let's do the right thing.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Adams.

SENATOR ADAMS: I'm not going to be and I apologize for not being as articulate

as Senator Bruno was just now.

I remember when I first came up here to Albany, I sat on the right side of the train. And a friend of mine who was also elected sat on the left side of the train. And as we rode up and we moved into Rensselaer Station and I got off the train, I talked about some of the great houses along the way. And Hakeem Jeffries stated that there were no houses we were looking at, it was just water. That's all he saw.

Two different sides of the train. We were in the same car, the same ride, but based on where you were seated determined what you saw. What you saw.

What we need to do, those of us who's on the left side of the train talking to those of us on the right side of the train, we need to have a dialogue and not only talk about reform, we have to live it out.

And reform is not this romantic terminology that we use merely when it's popular on a popular issue. It is a process that we embody and embrace in every aspect of this chamber. So when we come together on

both sides of this ride and talk about real things, then we'll see real results.

I'm so glad the Majority Leader announced the cuts that are take placing in our districts. Because it shows you if we're willing to stand up for this issue, we know how deep it is, particularly in those districts of color.

When I visit my momma's friends and they cut prescription drugs in half to make a decision if they're going to take that drug or eat, the issue is real, not make believe. You can't be no great medical illusionist and all of a sudden say it's popular now to talk about these issues that our democratic values have always talked about.

So I say to my counterparts across the aisle, let's ride the train together. Let's not merely stand up now, when we know that this is a long process -- let's not kid ourselves and insult the intellect and intelligence of the public to make believe one-house bills are going to go far. Let's make this real and do some real things.

Criss-cross my seat. Sit in the

seat of Bed-Sty and Brownsville, and I'll sit in the seat of Rochester and Troy. Let's embrace each other and not only just merely give some insignificant terminologies of how great this is. No. Real reform, real results, let's do it together. That's what I'm willing to do.

If I'm willing to take $19 million out of my district, which I am not -- I realize that hospitals do so much more than just take care of patients, take care of patients. When that doctor leaves out and goes to buy a newspaper, when that orderly leaves out and decides to take one of the livery cabs -- that's what we have in Brooklyn -- it's about the economic value and stability that comes with the medical facilities in our community.

That's why we're willing to take a stand here. That is why we can take your numbers and hear you say 11 million and 13 million and 20 million. Because we realize that there's more to this process, and we're going to fight tooth and nail to see some of those things that our Minority Leader

mentioned that we'll be losing that you, amazingly, is willing to just dismiss, pretend as though those items are not in this bill. They are. They are.

So here's my challenge to you, those of my colleagues who I've met in the last two months and couple of days -- but who's counting? Here's my challenge to you. I'm willing to ride with you. I'm willing to see the train from your view. I'm willing to look out the window on my side and your side. Are you willing to do the same?

Are you willing to really talk about this terminology that has become almost a curse in this institution called reform? Transform, reform. Are you willing to do it? Are you willing to be transparent and not allow us to come here on a Monday after turning our clocks up and handing us a document on some trickology that you just pulled today? Are you willing to do it?

Are you willing to talk about sharing chairmanships and not merely giving one because it's popular during the time? Are you willing to do it? Are you willing to make

sure --

ACTING PRESIDENT WINNER: Senator Skelos, why do you rise?

SENATOR ADAMS: And let me finish. I'm not willing to yield.

Are you willing to make sure that I'm not giving merely $70,000 in my community while $7 million is going in another community?

ACTING PRESIDENT WINNER: Senator Adams. Senator Adams.

Senator Skelos, why do you rise?

SENATOR SKELOS: Would Senator Adams just yield for a question.

SENATOR ADAMS: Yes, I will, when I'm finished.

(Laughter.)

ACTING PRESIDENT WINNER: The Senator refuses to yield at this time.

SENATOR ADAMS: That's the challenge. That's the -- I don't have the gavel, so I can't hit it and ask for people to give me the respect I give others.

That's the challenge that we are facing. That is to say why I'm willing to

vote yes on this bill. That is why I'm willing to do it with more hospitals than probably anyone in here, because I'm going to fight tooth and nail that the medical facilities in my district and throughout this state obtain what they need so we can turn the door on healthcare. And I hope in the process we can turn the door on real reform.

I thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: If Senator Adams would just yield for a question.

Maybe I didn't --

ACTING PRESIDENT WINNER: Senator Adams, do you yield to Senator Skelos?

SENATOR ADAMS: Yes.

ACTING PRESIDENT WINNER: Thank you.

SENATOR SKELOS: Senator Adams, maybe I didn't hear you correctly. But right now we're on Senate 2104A, which is the Governor's healthcare budget bill. And do you understand that it's Governor Spitzer's bill that many people in this chamber will be

voting against because the harm that would occur throughout the State of New York -- and specifically, as mentioned in your district, I think it was $19 million -- would diminish the quality of care throughout the state, but specifically for the underserved communities?

Because Senator Smith can mention all these wonderful programs that are in this budget, but I guarantee you, when the budget is finally adopted, they'll all be in there.

The question is, are you supporting a budget that's been proposed by the Governor that takes $19 million out of your constituency and severely hurts those individuals who work within the hospital industry that are making at times very low wages, certainly do not live in mansions in the city, do not live in country estates, but earn maybe $10, $12 an hour and are struggling to make ends meet and to provide for their families?

These are the people and the individuals that, quite frankly, we're looking to protect. And we're looking to protect the services that your constituents deserve,

healthcare in your district and my district. It's no different.

So I would hope that you'd join us in voting down this ill-conceived budget. Because as I mentioned last week, if this happened last year, many of you who were here in the past would be wringing your hands in anguish, in anguish, that Governor Pataki would have proposed such dramatic cuts to the healthcare industry. Wringing your hands.

And quite honestly, I think we should be voting this down. I think ultimately, if we stand firm as a legislative body and say we want to protect healthcare in this state and enact real reform, it will happen.

And as I mentioned last week after your eloquent comments, Senator Adams -- not that I agree with them all the time -- but Reverend Sharpton, Reverend Jackson, they agree with us. They agree with the Republicans that we're looking to protect healthcare in this state. So I would ask you to join Reverend Jackson and Reverend Sharpton in supporting what we're trying to do to

protect healthcare in this state.

SENATOR ADAMS: Well, first of all, Senator, I don't speak for those people, I am those people.

And I find that reform gets me troubled when this is the first time that my colleagues on the other side of the aisle has put a bill on the floor and got a no vote or looking for a no vote. I find that a lack of reform.

I believe in my conversations -- not only what you may have read from Reverend Sharpton or Reverend Jesse Jackson -- but my conversation with Reverend Sharpton, one of them, this weekend, his concern is protecting our healthcare system. And I believe I'm going to be a voice in doing so.

SENATOR SKELOS: Senator Adams, you know --

ACTING PRESIDENT WINNER: Senator Skelos, are you asking Senator Adams to yield?

SENATOR SKELOS: Yes, if he would yield for a question.

ACTING PRESIDENT WINNER: Senator Adams, will you yield to Senator Skelos for a

question?

SENATOR ADAMS: Yes, I will.

ACTING PRESIDENT WINNER: Thank you, Senator.

SENATOR SKELOS: Senator Adams, do you realize that your hospitals -- and I think you do -- would lose $19 million? Do you also realize that the Governor's cuts on your nursing homes -- Caton Park Center for Nursing, Dr. Susan Smith McKinney Nursing Home, Marcus Garvey Nursing Home, New York Congregational Nursing Center, Rutland Nursing Home -- they would lose $11 million?

So in your district alone, $30 million would be stripped out of healthcare within your district. Do you realize that?

SENATOR ADAMS: In my meetings with all of the nursing homes, Senator -- CNR Nursing Home on Classon Avenue, Albany Nursing Home on Albany Avenue, all of my nursing homes -- there's one thing that they're clear on, that we're in the embryo stage of this process.

Before we give birth to any

legislation or bill, we will address those issues, I will be a fighter for those nursing homes. And even hospitals in your district I will fight for, I assure you of that.

SENATOR SKELOS: And I thank you for that, very much.

But also, before, you mentioned that the bill is just being presented to you. I believe the Governor's cuts that we're discussing today in this legislation have certainly been on the desks and been since January, that this has been out there in the public domain, that many of us in this chamber have studied or should have studied to understand the impact that would occur in our districts or statewide.

SENATOR ADAMS: The beauty of having a stenographer here is when someone attempts to take your statements and turn them to what they want. That is not what I stated. And I'm sure your colleagues will inform you on exactly what I stated.

When we came in today, we found out -- trickology was the terminology I used -- that you were going to present this

bill today. You had the entire weekend to share it. You could have told us last week what was your game plan of all of a sudden forcing this bill to the floor today. That is what I stated.

I read and I was addressed of the Governor's bill.

SENATOR SKELOS: Senator Adams, if you would continue to yield.

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

SENATOR ADAMS: Yes.

SENATOR SKELOS: I certainly would hope that you know that there have been hearings on all of these issues.

And in fact, the Senate -- through our leader, Senator Bruno -- the Assembly, and the Governor have set up a schedule so that we can get an on-time budget. And certainly what we are doing today and will do the rest of the week is working towards conference committees so that we can have an on-time budget.

And in fact, I don't understand it, Governor Spitzer was critical of us today, harshly critical, for not being on time, when

we're right on schedule.

So the idea of what we're doing today is, number one, to reject these ill-conceived cuts, and I underline cuts, and to move forward to have real reform to protect our mutual constituents to make sure that they have the quality of care that they deserve, and that we have an on-time budget.

SENATOR ADAMS: Senator, I applaud you and your desire of moving with an on-time budget. But you and I both know -- although I'm a freshman here in the Senate, I'm not a freshman to life -- you know we have never voted on this budget at this early a part of the process. You are aware of that.

And I hope that the same enthusiasm that you are showing now to move things ahead, you're going to continue to show that enthusiasm as we move through the entire process. Because I know on this side of the aisle we are very enthusiastic, extremely enthusiastic of assisting in any way possible of moving this process ahead in a very transparent and very clear manner. And we are looking forward to doing that with you.

ACTING PRESIDENT WINNER: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

As each of us have served in the Legislature we have gotten into little niches in terms of program issues. Most of my career has been spent in education and higher education. But because of healthcare issues in my district, several years ago I got involved in a discussion and a dialogue with the hospitals in my district. And there are five in the First Senatorial District.

I now appreciate education and higher education, because the healthcare issues are so complex and there is no linear methodology to resolving an issue. But through a great deal of discussion, we were able, with three hospitals in the east end of my district, to come together and form alliances and a network to utilize the financial resources and the physical resources and the doctors and nurses to the utmost. That took about two years and was codified by the Berger Commission, and brought in a fourth

hospital.

I mention that because one of the things in all of forming an alliance is the grease are the dollars. And so the dollars are out there, there are some dollars out there in pots that only Senator Hannon quite knows, both from federal and state, to make part of it work.

But when you take out of the system a million dollars for the Peconic Bay Medical Center, $297,000 for a small hospital, Eastern Long Island Hospital, $2.1 million for John T. Mather, $627,000 for Southampton Hospital, and $1.7 million for St. Charles Hospital, that really is a torpedo to the bow of trying to do anything creative or anything in the way of reform.

When you add to it -- and all of you know, as you talk to constituents, elder care is a big issue. People talk about it all the time. You take out of the system for the hospitals $5.8 million and then you take out, to boot, another $6.7 million out of the nursing homes. And all of that, in the First Senatorial District, computes to 12,000 jobs.

When you take 12,000 jobs out of the system, you cannot possibly be putting patients first. You just can't.

Senator Bruno talked about that this reform came before us in another Executive Budget or two and this house rejected it. This house said it didn't provide patient care and it hurt the healthcare system in our communities. So when I just look at -- and I can't speak about any other Senate district. I've heard Senator Bruno talk about cuts in other districts, both to the hospitals and to the nursing homes.

But all I can say is that when I get letters, as I did from someone involved with the Eastern Long Island Hospital -- and it says: "I know Eastern Long Island Hospital cannot withstand further reimbursement cuts. Our costs for everything from medicine to staff salaries continue to rise. Reimbursement from insurers and government has failed to keep up with these rising costs. By imposing these new cuts, the Governor would harm not only our facility but the communities and patients who rely on our services.

"Eastern Long Island Hospital puts patients first 24 hours a day, 365 days a year. We strive to improve the quality of care and to improve the health of our communities while reaching out to the underserved. The Governor's proposals would seriously undercut our efforts to provide access to care within our communities."

So the two issues are providing access to quality care and the issue of quality patient care. So from the perspective of the people of the First Senate District, I couldn't possibly support this bill. And when the time comes, I will vote the way the people of the First Senatorial District, if they were sitting in this seat, would vote.

Thank you, Mr. President.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

Senator Hannon said it right. He talks about Governor's comments about the education system being broken and let's put more money into it.

The healthcare system is in trouble, broken. We all agree it needs reform, we all agree it needs to be fixed. But he also took all the money out of it. And this bill, this budget bill that we're voting on now, which some have referred to as trickology, this bill is what's on the floor. This bill will take out of my district nearly $18 million from the hospitals and another $13 million from the nursing homes.

In talking to these people, in talking to the leadership of the hospitals and the nursing homes that I represent, they are unanimous in their statement to me they cannot withstand these cuts. They cannot handle these cuts. These cuts will mean reduction in services. Reduction in staff, as Senator LaValle correctly points out, means a reduction in services.

You cannot tell me that math has changed all that much in a system where, when you take away, you're somehow adding. I don't believe a minus equals a plus. I never did believe that robbing Peter to pay Paul works. We're taking money out of the healthcare

system to fix an education system? I think that's where I heard that before, that some of the money is going.

It's my understanding that the healthcare system is about $47 billion in this particular budget. More than half of that is federal money, driven by the money that we spend here. That isn't a system that was set up by George Pataki, that's a system was set up under Hugh Carey and Mario Cuomo. The money that we spend on healthcare drives federal dollars. You spend less, you get less.

It's very simple. It isn't hard to figure out. And it's not trickology. It's real. You take money away from people and then you ask them to give more service. What is that, another version of doing more with less? It didn't work with the prior administration. It's not going to work under this administration.

I stood up here and we all stood up here and voted against Governor's vetoes, we voted against bills that were presented by the prior administration when we thought they were

wrong. We're asking you to stand up now and say to Governor Spitzer, look, this is bad. This isn't good for us. This doesn't help us. It doesn't help our constituents, who you want to put first, who we all want to put first.

I don't doubt anybody's motives here. I don't doubt the Governor's motives. I don't think he wants to give pain. But he is. He is, by an ill-conceived process. Frankly, there isn't much of a process. It's a lot of cuts. It's a meat ax when we should be using a scalpel, if you'll pardon my use of a bad metaphor.

This is not good budgeting. We need a plan that talks to reform, real reform. And that means you've got to work with the hospital community, you've got to work with the unions, you've got to work with everybody, bring them all together.

Senator, I accept your challenge. We'll sit at the same table in the conference committees and negotiate a good budget bill. But it begins here. We must pass the right bill. We must pass a version.

And yes, we've done this at this

period of time before. You haven't been here, but we've done this before. When it's necessary, we'll come to the floor, we'll vote this bill, we'll put a Senate budget up which will have all the good things in it and take out this -- reject these bad cuts. Because these cuts are painful to my constituents, to all of our constituents.

And it's time. It's time to stop the campaigning and, I agree with you, stop the rhetoric. And let's sit down at the table across from one another as coequals and work it out. When that has happened, good things have come. Budget reform has come. Ethics reform has come. Civil confinement has come. They all came when all three sides, two houses of the Legislature sitting at the table with the Executive, as coequals, talking to each other, working out compromises and working out the proper bills.

That can happen with the budget in the next three weeks to get a on-time budget. But a good budget. Not one that robs from Peter to pay Paul, not one that pits upstate versus downstate. One that represents all of

our needs.

Mr. President, I urge my colleagues, vote no on this one. Let's send the right message. Let's put the right bill on the floor, let's get it passed and move on so that we can get to the negotiations and get an on-time budget, one that does serve all of our constituents, one that does put more people under the system, one that does guarantee insurance for all, and one that guarantees access to good-quality healthcare which this state has become noted for throughout this country.

People may move to other states, but they come back here when they get sick. I know an awful lot of people who went to Florida but got ill and came back here to New York because they want our healthcare system. You can't get it anyplace else.

So let's not kill the goose that laid the golden egg here. Let's make sure we keep it and protect it, but make it work better. And that can be done with good, clear negotiations.

I intend to vote aye on this bill,

Mr. President. I urge all my colleagues to do so -- I vote no on this bill. I intend to vote no on this bill. And I urge all my colleagues to vote no also. Excuse me.

THE PRESIDENT: We're not on a roll call, Senator. You still have time to decide what to vote.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I've heard a lot of conversation here today. I've heard us consider why we wouldn't put our game plan out, like this is a game. What this is, Senators, it's a crapshoot. And the Governor threw the dice right here on this floor. And what we're doing right here is gambling on the lives of the citizens of this great state and our great city.

I take a look at your cuts, I look through your window in your train, Senator, and I see Kings County Hospital, $5 million; Kingsborough Jewish Medical, $4 million; Maimonides, almost a million; New York Methodist, $6 million, almost $7 million; SUNY

Downstate, one of our top hospitals, $2.5 million.

I don't know if Senator Liz Krueger was on your train, but I look at her hospitals and I see the Hospital of Special Surgery, $4.4 million; Lenox Hill Hospital, $6 million; Manhattan Eye and Ear, over $1 million; Memorial Sloan-Kettering, over $15 million; Mt. Sinai, over $15 million; NYU, over $10 million; Rockefeller University, $175,000, God bless them. New York Presbyterian -- are you ready for this? New York Presbyterian, $24.5 million.

That is a devastation of this system. It is ruining this system. We are going to cause debts in this system.

Let me tell you about a hospital -- I'm not going to mention the names of the hospitals. But in Kings County, do you know how long you wait in an emergency room today without these cuts? You can wait in a hospital emergency room 100 to 125 hours waiting for a bed. Can you imagine that? That's today, before we do these cuts, over 125 hours to get into a bed.

I don't know, I go into my nursing homes, I go into my hospitals, I don't see them overstaffed. As a matter of fact, I hear the patients yelling, "Where's the nurse?" Or in a nursing facility, "Why wasn't my aunt fed?" I don't see an overabundance of staff. But if you take these cuts, there's only one place that these cuts are coming from, and that's from the staff.

Think about this. You're going to also put 400,000 kids on insurance and 900,000 adults. We have 3 million seniors here in this great state today, 3 million. And in the next 10, 12 years, they're going to grow to 5.5 million seniors.

We are going to devastate a system that we haven't even taken into consideration what those cuts will do to the future. What this is, a crapshoot. It's blinking. It's saying we're going to cut and freeze rates, cut trend factors, and we'll come back to it next year and we'll look at it. And you know what? We'll see what we can do then.

We went through that. That's not reform, ladies and gentlemen. But I want to

work with you to do reform. But this is not reform. And I'll work with this great Governor to do reform. But this is not reform. This will cost lives. People will die.

Victory Memorial Hospital, a hospital in my community, insults to injury, it's on the closing commission. Closed, going to be closed. Going to try to close it. Nursing home as well. They're going to try to sell the nursing home off, if they can. I don't see any abundance of staff at that location. And it's in Chapter 11. And they've asked for $1.274 million to cut from the hospital and another million from the nursing home. Something that they slated to close.

So they're taking money from something that they slated to close. They're not even giving it the opportunity to be able to give the proper care to the people that are in that hospital today and to give those employees an opportunity to find someplace else to go.

It's wrong. It's wrongheaded.

It's not reform. It's a crapshoot. And this crapshoot will cost people's lives. That's why I'm voting no, and that's why I'm going to fight to keep hospitals like Victory Memorial open and, yes, try to find where this reform is. Because it definitely isn't in this bill.

I vote no. Thank you.

THE PRESIDENT: The chair recognizes Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

I've listened intently to the debate today, and I would implore those who support these cuts to reconsider. I heard Senator Smith characterize the Governor's budget in healthcare as being a good day for the people of New York and a lot of people will get better care. Actually, a lot of people will get no care.

Senator Adams talked about reform and results. Cuts are not results, and cuts are not reform. Cuts are just plain bad.

I live in a very rural area, and I just want my colleagues on the other side of the aisle to realize what this does to rural

areas. I represent some of the poorest counties in the state. They already are very short on healthcare. I've lost 20 percent of my doctors over the past three years in my district. Think about that, 20 percent. And a lot of the primary-care physicians who are left have caseloads of up to 5,000 patients, 5,000. Think about that.

The Governor's budget takes recruitment and retention dollars out of my facilities and puts it somewhere else. So we already have lost our healthcare professionals. In Olean -- I live in Olean. In Olean they have been looking for a urologist to come provide patient care for eight years without any success. And what these cuts do is make that very dire situation much, much worse. I will have facilities close their doors if these cuts go through.

You know, you have to think about the rural areas because people have very limited access to healthcare already. It can be 10, 20, 30 miles away from the closest hospital. So you think about it. Your spouse is having a stroke, you have to drive through

windy roads already, miles and miles to get to healthcare. This is going to make it even more difficult. And as Senator Golden said, lives will be lost, people will suffer, people will be hurt if these cuts go through.

So I'm asking you, reconsider. You are losing millions of dollars in your very own districts and you're hurting other parts of the state, you're hurting people across this state.

Senator Smith said do the right thing. The right thing is to reject these cuts.

THE PRESIDENT: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President.

A couple of observations. Senator Adams raised the point about reform in a couple of different ways. And I would respectfully offer that this is my fifth year in the Senate, but in the time I've been here, I've watched Senator Hannon and former Senator Meier chair a Task Force on Medicaid Reform that held hearings all across the state, came up with a litany of recommendations, and we

have acted on those. So that's one very positive thing.

The second thing is, everybody sort of glosses over this at this point, but one of the big hues and cries from our counties was that they were getting killed on Medicaid. We changed that and saved our counties hundreds of millions of dollars and, frankly, transplanted that burden back onto the State of New York. That's sort of been forgotten in this dialogue, but that was a reform because it put the onus back on the State of New York and provided hundreds of millions of dollars for counties across the state.

And then finally, the Senate has really, through the efforts of Senator Skelos, in particular, on antifraud -- and looking at Medicaid reform, that is real reform. That's billions of dollars that we tried to pull back into the system in the right way.

So I can think of at least three very salient and important things that we have advocated for, some we've implemented. And I think we have a lot left to do, and we're going to need partners in that fight as we

move along the way.

In the district that I represent -- you know, I was feeling bad until I listened to some of the other numbers -- $25 million, roughly, between hospitals and nursing homes in my district. Senator Serrano, Senator Krueger, Senator Johnson, the numbers are staggering. And I know when you add in the federal cuts, that doubles in my district, so it's got to double in other districts.

But I want to focus on one positive thing and use this as an example of something that is actually working that will be decimated by this proposal.

The Long Island State Veterans Home at Stony Brook happens to be in the district that I represent. And for anyone who wants to look at a model facility, you should go look at that. It's celebrated its 15-year anniversary. And for the last four years in particular, they've worked on a program with the state, through the Senate, and the federal government to upgrade their facility, to renovate their facility, to keep it state-of-the-art, and they win awards all the

time.

It is a model facility. Their costs per day are much lower than many other facilities not only in the state but across the country. So they do it right, they do it well, they deliver excellent care, their employees get recognition every single year by statewide organizations. But they're going to get a $2.5 million cut under this proposal.

I know what it's like working with them, and I am very proud to do it. But that's just one small example of a facility that's going to be absolutely destroyed by these types of cuts. All the good work that they've started and accomplished through the years would be undermined by the guts of this proposal.

I'm going to be voting no.

Thank you, Mr. President.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Mr. President, let me just say this from my perspective, and I've been here for a couple of years. Senator Adams, you know, I have to say something to you, and it's not because -- it's not a knock

on you. One of the things -- and we don't often talk about it, but one of the reasons it's important to deal with this bill -- and by the way, this was introduced January 31st, I guess, when the Governor put it in.

Thanks to a lot of court decisions, we are not able to do some of the things that we used to be able to do. And thanks to the major business community, that again opposed us on a constitutional amendment which was defeated, we don't have the flexibility we used to have in negotiating budgets. One of the ways you get better flexibility is to put a budget out there and act on it. Well, we are acting on it. We're going to defeat it, I think. We're going to try.

So it gives us more flexibility in dealing with this issue. And I know it's very hard to explain. The media doesn't understand it. But it's the facts. And hopefully, someday, democracy will be restored, because I think it is, and this Legislature can get back to where it should be.

Unfortunately, the courts, in agreement with the Governor -- and, frankly, I

am going to say it, some of the big business people that think we spend too much money supported him. But the truth is, this budget is very familiar. I mean, three years ago, if I remember right, we saw it then. It was almost identical numbers. It was Medicaid reform.

This house was taunted, if I remember right, by some people on this side of the aisle -- in fact, I think you put amendments in and we defeated the amendments and then we finally, of course, got all the cuts out. But in the meantime, I think I remember that some of those clips ended up in campaigns two years ago.

And, you know, it was on the floor that -- I just want to point that out because, you know, what goes around sometimes comes around. I just want to tell you that. And I seem to remember Senator Krueger was particularly vociferous in that. I only mention that because it's a political reality.

But I have to tell you something. Forget all this stuff. Nobody believes this is reform, except maybe some major business

people. I was talking to one guy, and he said, "Well, stick with us, it will help."

How? How does it help to cut hospitals and nursing homes and the healthcare industry? That makes no sense. Patients first. Really? I mean, how does that help?

Listen, I only know my area. And I can tell you -- and by the way, it's not just Governor Spitzer. The combined hit of the state and the federal government to Erie County alone -- well, no, it's Western New York, I'm sorry. It says Erie County, but it's really more Western New York -- it's $44 million. Now, in New York City that's not big, I suppose. But to us, that's huge. The state cuts are $17 million, and the federal cuts are about $16 million. And that's just hospitals.

Nursing homes -- and remember that our nursing homes are not as big. In fact, it probably concerns me more -- I have to admit to you, I have a lot of nursing homes in my district. I don't have a lot of hospitals. I only have a couple that are actually in my district, because most of the hospitals are in

Buffalo. One big one is in Cheektowaga, which Billy and I, although it's in his district -- Senator Stachowski, I'm sorry -- we share. That gets hit pretty hard. Of course it could get hit even harder if we let the Commission on Destruction -- or the Berger Commission go through.

But let me just say this. This is not -- by the way, when you're voting for this bill, in my opinion, you're voting for status quo. You're not voting for reform. We went through this before. In Pataki's time -- and I know the media said that. Well, you know, right now my paper in Buffalo is in lockstep with the big business people. And they don't care.

I mean, sincerely, this -- the problem with voting for this bill is you're voting against the poor and the middle class and you're hoping, or they're hoping that somehow this will all work out, it will all work out and we'll get sort of some sort of reform.

Well, I'll tell you this. Personally, if we're going to do reform, let's

do reform. And when you say, Well, why don't you do it? If we could do reform with the Assembly -- we all know it, it's no secret. This house passed like 34 bills here a few years ago. The whole reform movement came out of this side. Not that the Assembly wouldn't do certain things; they would. But not the real difficult things that need to be done in downstate New York. And I admit it.

And some of that is what I call poor Medicaid, and some of it is wealthy Medicaid. There's no question, it's very tough, because you're talking here more about long-term care than anything else, because that's where the big dollars are today.

But I have to tell you, my -- let me give you an example. There's a great hospital in Ontario County. And, you know, most people don't realize I represent four counties: Erie, Livingston, Wyoming, and Ontario. It's called F.F. Thompson Hospital. It's a fairly small hospital, a great hospital. It gets reductions of somewhere more than $450,000. And based on their total budget, it hits them harder than any other

hospital because it's a comparatively small hospital.

If this bill passes, which I hope it won't, we would be in a position in all those hospitals where the delivery of services would be impaired. And as somebody said to me: Well, they just have to cut some more staff. Well, the problem is, I don't know of any hospital in any area -- and I say area -- that has more staff than they need. I don't know of any. If there is, I don't think so. I've been in some of those hospitals myself, and I can tell you it gets tougher and tougher every year.

What we need is true healthcare reform. Not the kind of phoney reform that says we will just take the money off the top and somehow it will all work out. It doesn't work that way.

So I beseech you -- and I know how difficult it is. And I know, Senator Smith, you're in a tough position because you have a Governor that has a fairly high rating and he's wading into the same things that our former Governor waded into, and I understand

it.

But in the end, this house is the one, in my opinion, that is going to drive real reform and is going to break the so-called status quo and make sure that when we pass a budget it will be a budget that we can all be proud of, not just for education, for criminal justice but also for healthcare.

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I'm upset because I think we're hiding behind the word "reform." You know, that seems to be the political thing to do this year because all the polls say that the public wants reform. So we're hiding behind that word on this very, very important healthcare bill that dismantles the healthcare system in New York State.

Because this isn't about reform. This is about children, this is about families, this is about access to healthcare. This is about taking care of our elderly who can no longer take care of themselves. That's what this is about: Our families, our

children, our parents and our grandparents. It's not about reform.

This legislation dismantles the healthcare system. It does not allow us to take care of our loved ones in our communities. You heard the numbers, and the numbers go on. And, you know, I get very disturbed when I look at my own community. Ten million dollars, $10 million out of our community, a community who one of its major hospitals last June got devastated with a $20 million bill because of a flood. Wiped out the whole first floor of the hospital. And now we have to take another hit. A community that desperately needs healthcare service providers, as Senator Young said.

I have rural communities. I have several rural health centers that will be closed under this legislation.

Economic development and jobs? Healthcare is probably, in our community and upstate New York, probably the second largest employer. And I would think if you look around the rest of upstate New York, where we're looking in small communities and bigger

communities like Syracuse -- and I know Senator DeFrancisco is not here, and I wish Senator Valesky were here, but -- Senator Valesky, $22 million, Senator DeFrancisco, $22 million out of the City of Syracuse. Not only does that devastate the upstate economy when it comes to healthcare jobs, but it devastates access to affordable healthcare.

Westchester County, Senator Andrea Stewart-Cousins. If Senator Spano were here, he'd be on the floor fighting, fighting for Westchester Medical like he has the last three years. He'd be fighting for Westchester Medical, not allowing -- not allowing a $9 million cut. That's what he would do.

So it's funny when the shoe is on the other foot. The change is we have a different Governor now. He happens to be a Democrat. So your views on healthcare have changed in the last 12 months. Your views on healthcare have changed. You don't care anymore. You'd rather take these cuts, you'd rather deny your constituents to stand up for political reasons.

Mr. President, it's not about

reform, it's about doing our job, taking care of and providing for our citizens, providing for our family members, as I said when I began this conversation, providing for our children, providing for our families, providing for the elderly. That's why I'm voting this bill down.

THE PRESIDENT: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, certainly everybody in this chamber and at the very least everybody who has been here during a prior session is well aware that this is a retread. Slice it, dice it, do anything you want with it, this is a retread.

The only difference basically is its genesis. We have seen this offered by Governor Pataki. We didn't consider it to be reform then. We rejected it with virtual unanimity. We're seeing it now being offered by Governor Spitzer. There's no reason for any distinction between the way we should treat this bill. If it was rejected under Pataki, as it was time and again, it should be

rejected again under Spitzer.

The logic -- not the semantics, not the dancing -- the logic is irrefutable. You can dance, you can dodge, you can weave, but the bottom line is it's the same garbage we've rejected on multiple occasions previously. Packaged ever so slightly different along the perimeter, but the same core of garbage.

Is there anybody, here by the way, who has not stood in solidarity with their nurses and said, We don't like the idea of you having forced overtime, we're with you? Are we all going to stand up en masse and say we've changed our mind, it's okay now to have mandatory overtime? Because guess what, the workforce is going to be reduced.

So each and every one of you who has proudly said you oppose the idea of those in our hospitals who are being required and subjected to something they really don't want to have mandated on them, overtime, are you now going to say, I changed my mind, it's okay because we're cutting hundreds of millions of dollars -- compound that with the feds, billions of dollars -- out of the system? I

don't think so.

Now, Senator Smith appealed to my common sense, he appealed to do the right thing. I believe Senator Adams said to do the real thing. Well, the only real thing here is this gubernatorial proposal that's already been rejected time and again in this chamber and, if my memory serves me correctly, in the other chamber too. Call it right, call it real, by whatever name you call it, it's wrong.

He also asked if I know what I'm doing. Yes, I know what I'm doing. I very well know what I'm doing. I'm sparing my already fragile hospitals and my distressed nursing homes in my district some $13.5 million in cuts, which will be compounded. This is only the first year. Run it out two, three, four years and see how much money you come up with. And that's without the federal cuts.

This is an abomination for healthcare. This is an abomination for patients. The hospitals in my district, the nursing homes in my district, just as in your

district, are dedicated to providing a quality of healthcare. And I know full well, I can remember briefly -- recently, as recently as 15 to 20 years ago, having grown up in my community, where we often had to go out of the community because the delivery service was not as sophisticated as many had in more metropolitan areas.

Well, we've come a long way in the last 15 to 20 years. We now have the ability to deliver healthcare that I previously had to run to Yale-New Haven for or to the Capital District or to the city. And it's a delivery of healthcare that the people in the 41st Senate District and the people throughout my region, whether they're in the district or not, welcome and would like to preserve.

This guts it. This sends it not down the slippery slope, this sends it on a very fast pace spiralling down to a point of which there will be no return. It's reform only because someone chose to call it reform. It's reform in name only. To call it reform, if I can draw on Senator Adams, is the height of trickology. Man, oh, man, how this can be

reform would baffle anybody who has the slightest bit of logical capacity.

It's a substantial retread, as I said before. It's not a one-house bill, as was alluded to earlier, I believe, by Senator Adams. This is the real deal. This is the Governor's real deal.

The bottom line is that it would be hypocrisy not to oppose it with the same virtual unanimity that we have opposed it with time and again over the course of the past two or three years.

THE PRESIDENT: Senator Lanza.

SENATOR LANZA: Thank you, Mr. President.

I rise also to oppose this legislation and to say to my colleague, Senator Adams, I accept your offer to take a ride on that train. But first we've got to fix that train. And I suggest to you that the problem with the train is not which window you look out but who is driving the train. It seems as though some of your colleagues have allowed that train to be hijacked by the Governor.

So I'll take that train ride, but first we've got to agree to drive it together and be guided only by the best interests of the people who send us here.

Senator Smith said this is simple, that it's one plus one and that equals two. And I agree it is simple. But I have another equation, and it's that New York State's healthcare system minus $1.3 billion equals disaster.

Take a look at that, $1.3 billion in cuts. That suggests, that suggests that the healthcare system in this state is not only just fine, but it's overflowing with resources. That it's bloated, that we've got room to cut it. And I'm glad that Senator Bruno illustrated the numbers of cuts in the various districts that would be suffered across this state in my colleagues' districts.

And it's been suggested that we're not seeing this thing clearly, that we're missing something. So I've taken a look at it and I wonder what it is we're missing. It certainly can't be because my colleagues are not supporting this, I'm sure not because it's

Governor Spitzer proposing the cuts instead of Senator -- instead of Governor Pataki. It must be something else.

When I hear numbers like $27 million in cuts in one district, $77 million in another, $15 million in one, $80 million in another, perhaps there's a different reality than I know in my district. Perhaps it's because when patients enter hospitals in your districts, into the emergency room seeking urgent care, perhaps it's because there's no wait. Maybe it's because there are too many nurses in your emergency rooms. Perhaps patients in nursing homes in your district have the luxury of having care workers who are underworked and overpaid. Well, that's not the reality in my district.

If we allow these cuts to go through, one hospital and seven nursing homes will suffer $27 million in cuts in my district. And I can tell you, the reality in my district is that they can't afford that. In my district the hospitals and nursing homes are on life support already. These cuts would

pull the plug. These cuts would spell catastrophe.

You know, I'm just the new guy around here. I said I wanted to come up here to Albany to fight for Staten Island University Hospital, to fight for Carmel Richmond Nursing Home, Clove Lakes, Eger Health, Golden Gate Health Center, Seaview Hospital, Silver Lake and Verrazano Nursing Home. That's the promise I made to the people in my district, that I would come here to fight, not to cut, knowing that they can't afford those cuts.

So I ask you to join me and to fight to continue to ensure that the people of this state enjoy the best first-class health system in the country.

Thank you.

THE PRESIDENT: Senator Sampson.

SENATOR SAMPSON: Thank you very much, Mr. President.

I just want to rise, and I had an opportunity here today to listen to all of my colleagues. And I understand your issues, and we too -- and I'm going to feel the pain like

anyone else.

But the bottom line here is this, and I like to deal in realism. And this is reality. The reality is the following. This is a one-house bill. This is nothing but rhetoric, politics and basically fiction.

You know, Senator Bruno talked about we need to fix, fix the pain and the hurt. Why couldn't we fix the pain and the hurt before bringing this bill to the floor?

We could have done it by getting together with the -- as we did last Friday, with the CEOs and the nursing home executives to deal with this issue. But at this point in time, you decided to bring it. And it's all about politics.

You know, I signed the pledge saying that I would fight those cuts, and I am going to fight those cuts. But I'm not going to fight these cuts with a one-house bill. This side of the aisle, we're concerned about real reform, real revitalization and real results. And that's what it is at the end of the day, it's all about results.

What's going to happen tomorrow or

later on today, those who voted yes on this aisle, in marginal districts, the next thing you're going to see is press releases down at their communities saying how could they vote for such a heinous budget.

But the end of the day we all know that as soon as we go into conference committees, this fiction -- as I'm going to tell my constituents when they ask me tomorrow, this is about fiction and this is about a nightmare. So when you wake up in the morning, it's going to be reality. And the reality is we're going to restore some of those cuts that the Governor talking about.

And, Senator Lanza, I hear you. I hear your pain and I hear your hurt. But by voting for this proposal, do you know that you save Sisters of Charity Medical Center an additional $4.1 million?

You know, if we are going to say you're going to cut, you're going to lose, you're going to -- the bottom line is this. If we're serious, if we're serious, if we're serious about getting to real reform, real revitalization and results, you know we need

to get together with the CEOs from the hospitals and the nursing homes and sit at a table and come together and put a package together that we all can live with. And that's what it's all about. It's not about rhetoric or politics.

You know, and times have changed. Because I remember at times when we'd bring our hostile amendments or these amendments, all of a sudden you're saying we're grandstanding. You're doing what we did, you're grandstanding.

At the end of the day, if you want real results, let's get together in a conference committee or whatever committee or whatever hearings, and at the end of the day let's get to results that are really going to have an impact on all of our constituents.

Thank you very much, Mr. President.

THE PRESIDENT: The chair recognizes Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

I never thought I'd see the day where a Governor's budget, a Governor from the

same party, was called rhetoric, politics and fiction. And that's exactly the bill we're voting on here. This isn't a one-house bill, it's a Governor's bill which he believes is the best way to do business in the State of New York. And that's what we're debating at this point in time.

Now, it's probably true, as Senator Sampson said, that this may not be the final version of what becomes law. But let me ask a rhetorical question here. If you're going to negotiate a budget in order to restore money to hospitals and nursing homes, do you vote for a budget bill, the Governor's bill, that cuts everything? Does that give you negotiating power? Does that give you the ability to try to get more money back in?

I thought when you were trying to negotiate something to get more money back in the budget, you vote for something that puts more money back in the budget so you're in a better negotiating position for the final vote.

But here we're told -- I think Senator Adams mentioned we're in the embryonic

stage. Well, if I'm in the embryonic stage of a negotiation, I simply don't try to put myself in the worst position by what I support. I try to support my position by moving in the direction that I want the bill to go to. And that's basically what is important here.

The other thing that's very important here, for those who were here last year, you know, it doesn't show a heck of a lot of integrity that because there's a change in governor we're going to change our position on the exact same cuts to hospitals. That doesn't show much integrity at all. I think we last year and the year before were fighting these cuts together, and we were fighting against a Republican governor.

Now, I don't quite understand if the position is let's work together, why we're working apart this year as opposed to the last couple of years.

And we definitely -- as to the issue of cuts, we definitely need cuts. But cuts in the cost of Medicaid are not from simply stripping hospitals and nursing homes.

Cuts that are logical are cuts in something -- in the benefits that are provided as far as Medicaid are concerned and what optional benefits there are, what we should be considering as far as fraud, cutting back on various waste. That's how we take care of reform. Cuts are not reform.

So I guess my point is simply this. Everybody in this chamber is hurt. My city of Syracuse gets cut, nursing homes and hospitals, about $20 million. Everybody has a different number. We should be joining together to vote no on the Governor's budget, to say this is unacceptable, so we're in a better position to help our hospitals.

Secondly, if we need to save money in the healthcare business, we need to reform the system. Reform is a bunch of the bills that we've passed in the past which dealt with changing the system and dealing with how the health delivery system works.

And lastly, it's a matter of integrity. You can't change your position, which was so firm last year, because we've had a change in the party of a governor. And I

would certainly hope that people reconsider the way they're going to vote on this bill for all of those reasons.

Thank you.

THE PRESIDENT: The chair recognizes Senator Maziarz.

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

You know, I, like many of my colleagues, intend on voting no on this legislation. When Senator Smith spoke, he said if you vote no on this, you're voting against, and he listed a whole long list of very good programs in this state which we all know will be in the final version of this budget.

I want to concentrate, if I may for a couple of minutes, on the nursing home cuts as proposed by the Governor.

You know, my late mother was a resident of a nursing home for approximately three years. And like all nursing homes across this state, I'm sure -- you know, she was like a lot of residents there. She couldn't walk, she really couldn't do much for

herself at all. And there was a little button next to her on her bed, and she'd push that button and that's when an aide would come in and help her out. And I'm sure it's the same in nursing homes in every one of these districts.

And I notice that the nursing home that she was in is going to suffer a cut under this budget of a half a million dollars. Now, you know, that nursing home is not going to close with a half-million-dollar cut. But you know what they're going to do? They're going to lay off the janitors, they're going to lay off some of those nurse's aides, they're going to lay off the dishwashers and some of the cooks. And when a resident of that nursing home pushes that button for help, that help is going to take a longer time to get there.

Senator DeFrancisco said it very well. When some of these same cuts were proposed, we did what Senator Adams suggested that we do. We together rejected those cuts under the former Governor by voting to override his vetoes.

So from this side of the aisle, I

want to say that I agree with Senator Adams. I think that we should get on that same train, on the same side of that train, and look out the same window. And we together, all of us, should say that we care about that janitor and we care about that dishwasher and we care about that nurse's aide, because all of us care about that elderly person laying in that bed who doesn't walk anymore, we care about that person getting healthcare quickly.

If you vote yes on this bill, the message that you are sending -- and I know it's going to be difficult for those people on that side of the aisle. It was difficult last year when we had to vote to override a governor who was of our same political party who had personal relationships with a lot of people on this side of the aisle. That was difficult. But we did it. And today, you should do the same thing for that elderly person laying in that nursing home bed.

Thank you, Mr. President.

And by the way, Mr. President, I have to tell you that Senator Smith is not here, he left, he was angry that you were

late.

(Laughter.)

THE PRESIDENT: Thank you, Senator Maziarz.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. I too rise to oppose this bill. And I'll try to be brief.

And it's probably good that there was a lot of speakers, it's an important topic, and I've gotten a little calmer now from some of those earlier comments.

I can assure you that there is nothing rhetorical, there is nothing political about my support for this. It is obligation, focus, and merit. And I do have to say to some of my colleagues, I am becoming a little bit tired and a little bit surprised and a little bit resentful when other people try to paint everyone with the same brush or tell people why they're doing something.

I'm going to tell you exactly why I'm voting for this bill --

(Laughter.)

SENATOR ROBACH: -- or against

this bill and am going to vote for the resolution that's going to make some of these restorations.

And we can laugh, and I like to be entertaining. But I can tell you, in this budget debate because the education portion adds, I don't think there's going to be anything more important than this.

And the question has been asked why now, how come -- if we didn't do this, who is going to set the tone for what those conference committees are going to be? What is the yin to the yang if everyone rolled over and played dead?

I'm probably not going to change anybody's mind, but I can assure you, and you should know it, that my mother taught me right from wrong before she taught me Democrat and Republican. And this is one of the few things I can honestly say this would be the wrong thing to do, now or ever.

And as many of my colleagues have pointed out, it's been rejected in the past. We have finally made, and sometimes at odds with Governor Pataki, incremental increases in

healthcare, things that are important. And even with those increases, especially in the nursing home side, in upstate New York in particular, while this hurts everyone in the state, where the nursing home reimbursement rate is so low for Medicaid it's half of what it really costs, it is ridiculous to call trying to do more with even less any kind of reform.

So we do have to go to the table, we do have to talk about real things. But I am telling you, as people who care about healthcare -- and I believe you do on that side of the aisle, just as we do -- we have in the past, we will again, somebody has to say this isn't the right way to go, we've got to do something different.

I cannot return in good conscience and say while we're doing a budget, the largest increase in the history of the state, $120 billion budget, but we're cutting nursing homes, hospitals and healthcare to the tune of $25 million in my district. I won't talk about anybody else's.

But I can assure you, my

motivation -- and I really do believe your motivation ought to be the same as mine -- let's just on this important topic skip a little bit of the political insider baseball and let's do the right thing for healthcare recipients, senior citizens, their families, nurses, healthcare workers and things that are going to benefit our community.

At least let us be the ones to start the dialogue. And yes, I believe, I really do believe we will get to a better place in the end. But understand this, and this is important. The motivation is to frame that so we get to the right place. And I say, if not us, who? And that should be all of us in this room.

And it's the only part I agree with Senator Adams, we should all be on the train. Tell me what train is more important than this in light of what's gone on in this budget. I don't think there is one.

So if I don't change your mind, I hope I've at least explained to you where I'm coming from. And there's nothing political, there's nothing rhetorical, there's nothing

fake about it. And hopefully, if you can't join me, you'll at least understand that.

I cast my vote in the negative.

THE PRESIDENT: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

My colleagues, to be sure, I'd like to speak on the budget bill that starts out a bill submitted by the Governor. Not a one-house bill. This is a bill submitted by the Governor that attacks the healthcare system in this state in a way that is going to impact the people in the greater Rochester area in my district to the tune of some $12 million. Probably a lot more when you take the greater Rochester region into consideration collectively, with my colleagues. Significantly more when you go all across the state.

So when I'm voting no, it's not just because of the $12 million in my district. It's not just because of those frail and elderly people and those premature babes and those underserved people that I'm voting no, whose faces I know to some extent,

whose families I know to some extent, whose sickbeds I have visited. It's also about the doctors and the nurses, the administrative aides, the healthcare workers, the people that take the buses 24 hours a day back and forth to operate our healthcare system in the greater Rochester area, just like they do everywhere else in the state.

So when I'm voting no on this budget bill submitted by the Governor -- not a one-house bill -- when I'm voting no on this budget bill, I'm voting no against the cuts and the devastation that are going to impact the sick and the frail, the elderly, those people that are desperately in need and those people that care for them. Not just in my district, in your district and in your district and your district and everybody's district here.

Senator Smith made a point of naming many of the names of the Senators in here. I'll name the same names if you'd like me to. But there's no point in doing that. This is about New York State. It's about the people that live here. It's about the people

that depend on us to do something reasonable, like we did last year and the year before.

And now there's a departure. Now the train is leaving the station, and it's only going one way. What an analogy.

My train is going both ways. You don't have to change seats. When you leave New York City and stay north, you can stay in Seat Number 10. Stay in Seat Number 10 going south, and you see the other side. You don't have to change anything, you just have to open your eyes. And your eyes were opened last year when our eyes were opened. We went against our Governor because we recognized that we were doing the right thing.

And all you have to do is the same thing this year. They're the same sick people, they're the same doctors, they're the same hospitals, they're the same institutions that are the underpinning of every community in this state. You don't have to turn your back on them this year. You didn't last year.

I saw a distinguished member of Congress in this chamber just a few minutes ago, a man that I served with in the Assembly,

Joe Crowley, visiting here for a St. Patrick's party tonight. I guarantee you Congressman Crowley is going to vote against those federal cuts that are going to exacerbate these cuts.

And I guarantee you that Congressman Serrano is going to vote against those federal cuts, because they're going to have an impact on his Congressional district and they'll probably have an impact on a certain Senate district as well.

Senator Krueger, almost $100 million in cuts in her area. If you want to go down the list, Senator Craig Johnson, almost $50 million collectively, newcomer to the Senate here. I'm helping, I'm offering to help. Not just the people in my district that are going to suffer, I'll help your people. Because your people are my people. And my people are your people.

When it comes to healthcare, when it comes to taking care of people that rely on us, there are no districts, there are no lines, there are no boundaries. There's only a healthcare system that is being squeezed by this proposal at a time when they're under

incredible pressure to survive. There are people who are devoted and dedicated and work tirelessly in a frustrating industry where people die, where people are chronically ill, where there is sometimes very little reward for what they do and for all the training they have to go through and the blood, sweat and tears that they put into it, whether it's our hospitals or our nursing homes.

And it's not just the $12 million in my district, it is the significant squeezing of a system that cares for human beings. It is unnecessary. It is ill-advised. I am voting no on this the same way I voted no on similar proposals in the past and the same way that you people on the other side of that train voted in previous years as well.

I don't know what it will take to make you understand that this isn't politics. This is taking care of the people that rely on us for their health and well-being. This is taking care of an industry that desperately needs our support to sustain it.

If you think that there's any

chance at all that you can do something right, then give yourself the option of voting no on this bill.

THE PRESIDENT: Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

I too stand in opposition to this bill. I hadn't planned to speak today; there was enough speakers. But as I heard the list of the hospitals rolling off the tongues of other speakers, and the cuts, I thought of how personal this was to me and my family.

When I came back from the service as a young kid, I think I was making a buck and a half an hour, my wife was pregnant with our first child, I had to go to a clinic in Manhattan to have prenatal, to have postnatal and a hospital stay of seven days for the birth of my first daughter. I only had to pay $165. Which was three or four weeks' pay, but it was still a bargain. Somebody paid for that, for Tom Morahan and his first child and his wife.

In that same hospital, my mother was a patient. Right across the street, in

the Hospital for Special Surgery, my one daughter had a brain operation. Another daughter had her legs worked on. And that was all through clinic activity. Otherwise, I couldn't afford that sort of help.

And I look at the list here -- and I'm not going to talk about my particular district. Yes, my district takes over a $10 million hit with the hospitals and nursing homes.

But I want to talk a little bit about Sloan-Kettering. It's taking a $15 million hit. Ten years ago, I went down there with not a whole lot of hope. I had invasive cancer, had to be operated on, had to be treated, chemo, the whole nine yards. Not a very happy prospect. Last Thursday I was down there for my tenth annual review since that operation. Thank you, Sloan-Kettering. I'm not going to vote to cut your hospital funding $15 million.

My daughter Joan, the same one who was treated in the Hospital for Special Surgery, was treated in Sloan-Kettering for breast cancer. She now is in recovery and

remission.

I think about Senator Cousins and the Westchester Medical Center, where people work 48 hours straight to save the life of my daughter Theresa. Unfortunately, they lost the battle, but not for lack of will or resource. Around the clock, 48 hours. A 20-hour operation.

So these are very personal feelings I have that prompt me to speak tonight.

It's unconscionable to call cuts reform. Are there reforms necessary? Yes. One bill I put in last year would make the HMOs do hospital reinvestment with the massive profits they take out of the system, to go after providers who may miscalculate, to put in an IBM methodology that can check the accuracy of billing. These are reforms, not cuts.

So I think as it impacts on my family -- and Bellevue Hospital, where my father died. I'm a city kid, born in the South Bronx, raised in the Bronx, lived in Queens, moved to Rockland. But my heart and my soul are and my family's life has been

impacted so radically and so well by hospitals in the metropolitan area that I could never vote for these cuts. Didn't vote for them last year, fought them last year, fought my Governor, our Governor who was in place last year.

And I'm not looking to pick a fight with Governor Spitzer. I think his heart's in the right place. Something has to be done. Something has to change. But I have to tell you, this isn't it. This is not the change.

We can't blame the providers, the hospitals. The ones in my district, every time I pick up a paper, they're virtually in red. One hospital now is making a comeback. We just allowed -- the state has just allowed them to now put in open-heart surgery facilities and that's in Good Sam in Suffern, New York, so we can keep our patients in New York, not in New Jersey.

So I think you really have to think about this and not get swept up with the reform mentality, because this truly isn't the way to go for reform. This is cutting, and it's going to wind up putting hospitals under

greater pressure, less personnel.

I'm the sponsor of a bill that prevents or would prevent a hospital mandating overtime, making nurses work 16 hours a day because they don't have enough nurses. People dealing with our parents and our children and our grandparents and our fathers and mothers working 16 hours a day, potential for mistakes. It's not right.

I'm asking you, let's just stand here as an institution and say we're not going to cut healthcare in the State of New York, we're going to reform it. We'll work with the Governor on true reform. We'll work to get things done right.

But this -- while I was not compelled to speak, I was as I heard the numbers rolling out as a litany of cuts. And knowing what these hospitals do for us, the nursing homes, what they do for us. I think I'm the only one in my family ready for that, okay.

But I think we have to really be reasonable and say these cuts really are out of line. Let's send our message that this is

not the way we want to reform, but we do want to sit with the Governor, we do want to sit with the Assembly and we do want to enact reforms that are meaningful and will not cause pain to our clients, to the patients and the people who need our care.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator Morahan.

Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

I rise in opposition. And we've had quite an opportunity now to hear our colleagues speak on this issue. And I have to say that I find it to be especially disappointing because we have joined together across the aisle on this precise issue, on these same types of numbers, over the last few years.

And no one likes to disagree with a governor from your own party. I have to say, though, on this side of the aisle we got quite used to that when it was necessary. It's not easy. Governor Pataki was my constituent.

It's not a pleasant thing to have to go through. But you do it if you're in the right and if you're convinced of your position.

Let me suggest to my colleagues that there will be no more important issue that we will be discussing during this budget period and possibly during this session.

All of us, to see friends and family as well as because we're legislators, we go to hospitals all the time. I daresay there's not one of us that isn't there on a constant, repetitive basis. And when we walk into our hospitals, whether in Queens or Staten Island or in Buffalo, what is the one thing you see? You see incredibly dedicated professionals -- nurses, aides, doctors, behind the scenes, the technicians, administrators, who work 4/7, 365 days a year under tremendous pressure.

When we go to those hospitals, we see the workload they carry. Most difficult jobs, tremendous pressure, terrible hours.

We have a tremendous healthcare system despite that, but it's a very fragile one. The numbers we are looking at here will

break a number of those facilities. For all of them it will mean reduced quality of care, and that will ultimately translate into lost lives.

Senator Adams made reference to all of us taking a train ride. I'm going to suggest to you that a more appropriate trip would be in an ambulance. And when you take that ambulance ride, will there be a hospital open at the end of that ride? And if you do find a hospital, what will that emergency room be like?

I think all of us have received various correspondence on this issue. I pulled out one earlier today from the Health Care Association of New York State. And they refer in their letter to an already fragile infrastructure, that hospitals in New York State would lose $2.5 billion over the next five years, that these proposals would seriously damage our healthcare system.

I'll tell you, as aggressive a lobbying as I have ever seen occurred last year. As some of you may know, I represent a lot of Westchester County. Well, I had the

county executive and his chief of staff and the county legislature practically camped out in my office. And why were they there? To save a critical facility -- not just for Westchester County, but for the Hudson Valley -- Westchester Medical Center. And we were successful. And through your kind support, that very important regional tertiary medical center will receive $75 million over the next five years.

I have to say I'm somewhat surprised because those same local officials that lobbied me so aggressively last year, I haven't heard from them this year. But Westchester Medical Center, under this proposal, will lose over $9 million.

What was that effort all about? Was that just an interesting exercise? We give them 75, we take back 9. What was the difference between then and now? Politics changed. The Governor is different. That hospital still needs to survive, and if it doesn't, people will die.

This is a terrible piece of legislation. It deserves our bipartisan

rejection. It certainly has mine.

Thank you, Mr. President.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

I am compelled to rise in opposition of this measure, but do so with great pride in the discussion that we saw and heard before us this afternoon. Each of my colleagues who have spoken so eloquently about this policy change that would be devastating to our state and nation is to be congratulated.

The eloquence of particularly Tom Morahan, who talked about what the essence of this debate really is. It's not about hospitals, it's not about nursing homes, it's not about dollars to healthcare. What it is first and last about, it's about the patients of this state, those who need care. Those who need to be in nursing facilities, those who need physician treatment, those who must get care in an emergency room.

This is about patients, not about dollars. And I'm very proud of my colleagues

who stood tall to discuss their concerns, to tell us what drove them to rise up against this measure.

What's troubling me is the attitude that there is enough in this healthcare system to take care of us even if this measure was enacted.

My colleagues, I was born in a hospital that no longer exists. The hospital in the neighboring community was forced to close. Down the road in the next county, another hospital just recently had a similar fate. Three hospitals in the Central Finger Lakes, closed. What this measure would do was to close more facilities in my region. There's no question about it.

Auburn Memorial Hospital has galvanized the community in support of them. They've had some rocky times, but the community has risen up and supported the facility, done great things and is planning to do more things to ensure the stability of healthcare in the Eastern Finger Lakes. This proposal hurts that effort.

And with Geneva and Clifton Springs

just down the road, those facilities will be significantly damaged by this proposal. That's why I must oppose it.

There were, a week ago, 60 who traveled from the Finger Lakes and came to Albany just to discuss this issue. They got up at 3:00 a.m. in the morning to be here, to be part of the deliberations and to advise their Senator and their Assemblyman and whoever else would listen that this facility was at risk and that they were striving to provide patient care but could not do so if this proposal went into effect.

I pledged to them that I would fight for their concerns, because their concerns are the concerns of all people. To have a facility, a hospital, an emergency room when you fall down and break a leg, when you have a heart attack, when you're in danger of a stroke, that you don't have to travel hours and hours to find the closest facility and hopefully get care there in our cities.

And as Senator Alesi and Senator Robach said, even those facilities in Rochester are at risk by this proposal. So

that our entire region, our entire region, from Syracuse to west of Rochester, is at risk by this proposal.

I'd also like to say, parenthetically, there's been a lot of publicity about the upstate economy. And this proposal is not about jobs directly. But certainly how can we revitalize the upstate economy, what business, what industry in their right mind would come to an area that has no healthcare?

How could we convince a business to locate in upstate New York? And there's a lot of attention being given -- we have an upstate economic developer now, something that we did not have before. But how can that developer bring jobs to the Finger Lakes region, to Western New York, to upstate New York if there are no healthcare facilities to service the workers who are who are going to live there and work there? No business would make such a move without adequate healthcare. And in fact, we are at further risk if this proposal goes into effect.

Lastly, my colleagues, I want to

mention the Mercy Health and Rehabilitation Center in Auburn, New York. That facility loses $778,000 in this proposal. Now, those numbers are small compared to those big hospitals in New York City and those big teaching facilities in particular in our state. But $778,000 taken out of the budget of the nursing facility in the city of Auburn that for years has provided care.

I'll never forget my visit there last fall when we helped them with some financial assistance. And one of the volunteer receptionists, who herself is eighty -- well, she wouldn't like me to say this, but she's 85 years old, she told me very clearly: "Don't let this facility close." She's giving her heart and soul into making sure that those older and than her and more infirm than her have a place to be cared for.

Mercy Rehab will close if this proposal, which takes $778,000 away from them, is enacted. I can't stand for that.

That's why I'm so proud of my colleagues for standing tall in opposition to this proposal. We'll oppose this and move on

and negotiate a good budget, a budget that will provide care and provide reform in many of the areas we seek reform and have been fighting for reform for many, many years.

But closing Mercy Rehab isn't reform. That's why I oppose this measure.

Thank you, Mr. President.

THE PRESIDENT: Senator Winner.

SENATOR WINNER: Thank you, Mr. President. Very briefly.

I think that one point that has not really been addressed in this debate is really a very, very important point when it comes to some of the hospitals and nursing homes and others in the upstate region. And certainly the type of hospital in an area such as mine is such a significant fabric of the community.

But one thing that's been overlooked is what kind of a message does this send to -- you know, when I grew up and raised my three daughters in elementary school in Elmira, one of the big things that we used to do was we used to have this event every year where the kids would come to an auditorium and they'd do what's known as the Children's

Miracle Network and raise money for the neonatal intensive care unit at the Arnot Ogden Memorial Hospital.

And that event was one of the significant events that brought together families that were all dedicated to the principle that we need to ensure that there's quality healthcare, particularly neonatal intensive care quality, provided to that community to make sure that there was the necessary equipment and make sure that we had a good quality healthcare particularly for those young families.

You know, and what kind of a message does this send when those kids and those families and those philanthropic efforts are trying to get together to raise a few thousand dollars and put in all that effort into a charitable, philanthropic effort and then the Governor goes ahead and whacks $894,000 out of the pockets of the Arnot Ogden Hospital?

What kind of a message does that send to everybody who is out there trying to solicit money, providing volunteer efforts to

try to support those types of facilities, when he goes in front of a group and insults every one of the CEOs and the other administrators and managers of these things, calling them big bad institutional healthcare providers who are somehow evil and taking advantage of the citizens of the State of New York?

What kind of a message does that send to those of you who are doing all that kind of charitable, philanthropic efforts to try to support your community, support your community hospital or support your other institutional healthcare providers in your community which have always been the fabric and the backbone of our neighborhoods, particularly in upstate New York?

I think that's a pretty lousy message to send. And I think it's pretty lousy to talk about demeaning all of the charitable and philanthropic efforts that are being done by those individuals in trying to support those institutions.

That's why this proposal is also so completely outrageous, is because it insults all the hardworking men and women out there

that are trying to do their efforts to try to support these healthcare institutions, because they know that they're essential to the fabric of their communities.

You know, I listened to Senator Smith, your leader, indicate that, you know, if you vote against this bill you're voting against this, you're voting against aides, you're voting against community health facilities, you're voting against whatever you're voting against, a whole laundry list of things that you're going to be voting against if in fact you vote against this bill.

But let me tell you what you're voting against if you vote for this bill. You are definitely voting to cut hundreds of millions of dollars out of your hospitals, you're voting to cut hundreds of millions of dollars out of your nursing home facilities. Because that's what you're voting for.

And you can't get away from it, because if you use our own logic from your own leader, that's what he said. And there he set the framework, he said what you were going to do by voting no, but we know what you're going

to do by voting yes.

Let's defeat this bill.

THE PRESIDENT: Are there any other Senators wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

(Shouts of "Slow roll call.")

THE PRESIDENT: A slow roll call has been requested. There are five members standing. The Secretary will call the roll slowly.

May we have some order in the house.

The Secretary will call the roll slowly.

THE SECRETARY: Senator Adams.

SENATOR ADAMS: Yes.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: To explain my vote.

THE PRESIDENT: Senator Alesi, to explain his vote.

SENATOR ALESI: Thank you, Mr. President.

Very briefly. I think I've made my position very well known, and I can speak to this with the same degree of passion; however, much more briefly.

It really comes down to this. When we're taking this vote, we are rejecting a proposal to devastate the healthcare industry in this state. And that kind of devastation visits itself not only on the jobs and the efforts of those people involved in this industry, it also devastates those people who depend so much on healthcare at their most vulnerable hour.

I spoke to this in my comments. I would also like to remind my constituents that when I said I am voting no not just for my district, I'm voting no for everybody in this state, I'm voting no for the cuts in your districts regardless of where it is.

I mentioned some of my colleagues I could go upstate on the Thruway -- I could talk about Senator Valesky's district, which is very similar to mine. It has a university,

it has a hospital, it has all of the same things that I talked about earlier. When I vote no, I'm voting no for cuts against his people and your people and your people and my people and our people.

Summarized, this cannot be political vote. This has to be a vote for healthcare and for the vulnerable people in our state. I vote no.

THE PRESIDENT: Senator Alesi will be recorded in the negative.

The Secretary will continue the roll.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: No.

THE SECRETARY: Senator Breslin.

THE PRESIDENT: Senator Breslin, to explain his vote.

SENATOR BRESLIN: Thank you, Mr. President.

When Senator Morahan said that the Governor's heart is in the right place, I applaud that. Because the Governor has looked at our healthcare system, and the Governor has concluded it's broken.

And many of us on the other side of the aisle talked about prenatal care and how good it is. Yet in New York City, we have one of the highest infant mortality rates in the civilized world. Monies are being rearranged to make sure that improves.

When we look at the state, we look at obesity among the young; again, one of the highest rates in the civilized world. This Governor has added additional funds in that area.

We look at cancer screening, we look at juvenile diabetes. This Governor is placing money for preventive care, preventive care and continuing care.

And he's breaking the old status quo, the old status quo of entrenched unions, albeit particularly one, and the hospitals. We have to look for a new dynamic of care.

Will we be back in negotiating to help and assist the hospitals, ones in my district, the nursing homes? Yes, we will. But this Governor has caused this debate, and this debate is very, very necessary.

And it's very, very necessary to

change the way we do business in New York State to help our young, to help our elderly, to make sure that a lot of our -- and both my mother and father were in nursing homes. And a lot of the chronic conditions you see in nursing homes, if there was an early method to prevent them, those conditions wouldn't exist.

So for that reason and many others, I vote aye.

THE PRESIDENT: Senator Breslin will be recorded in the affirmative.

The Secretary will continue the roll.

THE SECRETARY: Senator Bruno.

SENATOR BRUNO: No.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: Aye.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: No.

THE SECRETARY: Senator Diaz.

SENATOR DIAZ: Aye.

THE SECRETARY: Senator Dilan.

SENATOR DILAN: Aye.

THE SECRETARY: Senator Duane.

SENATOR DUANE: Yes.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: No.

THE SECRETARY: Senator Flanagan.

SENATOR FLANAGAN: No.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, just briefly to explain my vote.

THE PRESIDENT: Senator Fuschillo, to explain his vote.

SENATOR FUSCHILLO: I'll be voting in the negative.

I've heard a lot of interesting comments today. Senator Adams, yours is the best. "Trickology," never heard that word before in my life.

Last week in the Senate Health Committee, the president of Montefiore Medical Center was there and he was giving a 45-minute PowerPoint presentation about information technology and how they're trying to survive, how they're communicating with their outpatient clinics and other healthcare facilities. Terrific presentation.

At the end, the president said that he's known Governor Spitzer for so many years, he's a personal friend, he's a professional friend, he considers him a very close friend. But he said to him: "If you want to take $15 million out of my hospital, fine. Give me the reforms to show me how to save that $15 million."

I would agree with the $6 million in cuts to nursing homes and hospitals in my districts if the reforms were real.

Senator Smith, you spoke and you said we are saying to the people of New York -- and I wrote it down, because I didn't want to misquote you -- we get your message.

This isn't the message. These hospitals, these healthcare facilities, the healthcare industry in New York State is on life support. We're tripping over the plug now with the Governor's budget. We're pulling it out. We're stopping it.

Senator Maziarz talks about a half a million dollars in a nursing home, that if a patient pushes a button, somebody may not

come. I have a nursing home that's losing $601,000. It's a small building. Senator Maziarz, if they push that button, there's going to be nobody even at the desk.

Senator Leibell talked about this is going to cause deaths. You talked about when heart attack victims come to the hospital, who's going to be there? You talked about driving in an ambulance. I wonder who's going to be driving the ambulance.

I like the fact that, Senator Breslin, you said the debate is necessary. Because it is necessary. And if the Governor did anything right today, he's heightened our awareness of this issue.

But he's done it in the wrong way. I vote no.

THE PRESIDENT: Senator Fuschillo will be recorded in the negative.

The Secretary will continue the roll call.

THE SECRETARY: Senator Golden.

SENATOR GOLDEN: No.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: Yes.

THE SECRETARY: Senator Griffo.
SENATOR GRIFFO: To explain my rote.
THE PRESIDENT: Senator Griffo, to explain his vote.
SENATOR GRIFFO: These cuts are dramatic and drastic. They will have such an impact on all of our communities. Physician retention and recruitment will be compromised, the delivery of critical health services impugned, and access and availability to quality healthcare facilities jeopardized.
So I don't see this as reform, I see this as risky business. I vote no.
THE PRESIDENT: Senator Griffo will be recorded in the negative.
The Secretary will read.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: I'd like to explain my vote.
THE PRESIDENT: Senator Hannon, to explain his vote.
SENATOR HANNON: Unfortunately, there are members of the Democratic side of this house that are voting yes for this budget

under the impression that there are things in the Governor's proposed bill that are not there.

Now, this is a proposed bill that was originally submitted at the end of January, amended by the Governor, as is his right under the Constitution. But it does not have healthcare reform in it. Tax increase is not healthcare reform.

There is no increases for primary care, there is nothing to ensure there will be enough doctors, there is nothing to expand community-based long-term care, there's nothing to provide for the training of hospital or nursing home workers. There's nothing to specifically focus on helping kids except $11 million for 32,000 kids. That's hardly covering every kid in this state.

Basically, there's nothing to help employer-based health insurance on a broad base. There's no patients first. It's just not there.

And this is the Governor's own proposal. The rhetoric has been great, and the press releases. It's not in the bill.

I vote no.

THE PRESIDENT: Senator Hannon will be recorded in the negative.

The Secretary will continue the roll.

THE SECRETARY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: No -- yes.

(Laughter.)

SENATOR ROBACH: You were right the first time.

SENATOR HASSELL-THOMPSON: Yeah. No, Joe, I was not right the first time.

THE PRESIDENT: Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Whew. I'll tell you. I'll tell you. That tells you what the atmosphere in this place will do to you if you blink.

Mr. President, I rise to vote in support of this budget, primarily because I understand very clearly, very clearly, that if we do not support this budget several of the main things that I came to this Senate

chambers to support will be lost.

Five million dollars that would have expanded access to cervical cancer vaccines will be lost. Five million dollars for public education, mammographies, rectal screening, infection control, prenatal care and green cleaning products. Three million that would have prevented childhood lead poisoning, high in my districts. Two million for obesity prevention, which you have heard me talk about on this floor. One-point-one million for breast and ovarian cancer screening, for which I have stood here and asked and begging for support for. And $250,000 -- though it is not enough, but it is a start -- for diabetes centers for excellence.

I will not vote against this budget. I will not take the risk that these things that I have fought for will be lost.

Thank you, Mr. President.

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

The Secretary will continue the

roll.

THE SECRETARY: Senator Huntley.

SENATOR HUNTLEY: Yes.

THE SECRETARY: Senator C. Johnson.

SENATOR CRAIG JOHNSON: Yes.

THE SECRETARY: Senator O. Johnson.

SENATOR JOHNSON: I'd like to explain my vote.

THE PRESIDENT: Senator Johnson, to explain his vote.

SENATOR JOHNSON: It's pretty simple, actually. We have hospitals, one of my hospitals, Good Samaritan, is losing $2.5 million; another one is losing three-quarters of a million. I have seven nursing homes; they're losing an average of a million dollars each. They were running in the red last year. This year, I hate to see what they'll do.

And you know the service will be diminished, they will suffer, people will not have the services they need. Right now in the emergency room you have to wait maybe two,

three, four hours sometimes to get taken care of. We can't diminish those services any more.

So for many good reasons which have been stated by all of my colleagues here, these cuts are dangerous and we can't tolerate them. I vote no.

THE PRESIDENT: Senator O. Johnson will be recorded in the negative.

The Secretary will continue.

THE SECRETARY: Senator Klein.

SENATOR KLEIN: Yes.

THE SECRETARY: Senator L. Krueger.

SENATOR LIZ KRUEGER: To explain my vote.

THE PRESIDENT: Senator L. Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Well, we've heard a lot of rhetoric. And I've heard several of my colleagues explain that they agree with me our healthcare system is broken, it doesn't work, it's on life support. And they argue that the Governor's bill will do greater harm.

But I don't see coming out of this chamber in the years that I've been here, or the years that I've been following what goes on here, any real proposals to restructure or refocus a broken system. And I see that in Governor Spitzer's bill. I see that he's attempting to shift us to a system of expanded preventive care, to primary care, to community-based healthcare.

And I hope that as we go through negotiations we win back some of the fights, some of the losses, and we push even further. Because I would argue that to fix our broken system we need to move more dramatically towards universal single-payer, because our system is not getting better on its own. And the newest reports show we're spending 31 percent of our healthcare dollars on the administration of our healthcare system.

And our decisions can't be made here on who sends mailings into our district. And in fact, today I've listened to people say my district loses from $60 million to $77 million to $100 million. And it's true I represent the largest hospitals in New York

City. But they take the same 1 percent hit as all of yours in this budget; I just have bigger hospitals. And so, you're right, a bigger explanation to make at home.

And of course I hate that we don't have enough money for everyone's healthcare needs. But continuing the status quo isn't going to move us towards a better system where poor New Yorkers don't get equal access to healthcare, where HMOs and insurance companies continue to pocket billions of dollars while my colleagues on the other side of the aisle here have refused to pass any legislation to rein in insurance companies but have offered "Freedom Health Plans" which free insurance companies from having to pay out benefits for sick people.

And yes, it is outrageous that people have to wait in emergency rooms for hours. But in my vision for improved healthcare in the State of New York, people get healthcare before they end up in an emergency room. And people get to stay in their community and their homes as long as they can instead of being moved into nursing

homes. And mentally ill people don't get trapped in nursing homes because there's no community-based services.

And so under the budget that you are saying no to, we would have actually had money, or we will have money to expand community-based housing for the mentally ill and community-based healthcare --

THE PRESIDENT: Senator Krueger, the two-minute explanation period has expired.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

And just in closing, with the proposals that I hear coming out -- but not in bill form, only in resolution -- many of the other important changes the Governor wants to make in healthcare also won't go forward.

So I'll vote aye, Mr. President. Thank you.

THE PRESIDENT: Senator L. Krueger will be recorded in the affirmative.

The Secretary will continue the roll.

THE SECRETARY: Senator C. Kruger.

SENATOR CARL KRUGER: Grudgingly, yes.

THE SECRETARY: Senator Lanza.

SENATOR LANZA: No.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Mr. President, to explain my vote.

THE PRESIDENT: Senator Larkin, to explain his vote.

SENATOR LARKIN: For about three hours and 20 minutes now we've been listening to this great big debate about healthcare. Why don't you just go home tonight and take a look at your district and explain to them that you want a budget that cuts $1.3 billion out of healthcare?

On Saturday I met with nursing homes. Some of the people don't live in my district, but their parents do. And they were told, yes, we'll provide that service, but it's going to be $7,500 more, or whatever it might be for them. And the first thing they said was, "What the hell are you going to do to stop it?"

This man looked at me, he had the

Distinguished Service Cross from Vietnam. And he said, "You see this? I fought for freedom. I fought that you as a legislature could go to Albany or go to Washington and you would fight for our families, like I did to protect your hindsight 30 some years ago."

I'm ashamed of us. I remember the last 12 years on this side of the aisle: Oh, you're not spending enough, you're not spending enough, you don't care about the people.

What happened? We got a new Governor and we got a shining tower and everything is okay. Well, it isn't. And you should be ashamed of yourself.

And I know you, and I know in your heart that's not what you believe. But when you start to talk about cuts, less service, patients first -- and the media is giving you all the glory, and the Governor walks on water.

We have an incident in Washington, D.C., called Walter Reed. One building and everybody wants to fire and cut everybody apart. But here we're talking about taking

$1.3 billion and getting rid of it, but we're not saying how we're going to take care of those patients that are still there.

Now I heard someone say, "Yeah, when we get to the next phase, we'll straighten it all out." Do you have an agreement with the second floor or the Assembly? No, you have nothing.

What we're saying is that you have an opportunity to say we want to straighten it out. And the best way to straighten it out is to vote no.

THE PRESIDENT: Senator Larkin will be recorded in the negative.

The Secretary will read.

THE SECRETARY: Senator LaValle.

SENATOR LaVALLE: No.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: No.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: No.

THE SECRETARY: Senator Little.

SENATOR LITTLE: No.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: No.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: No.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: No.

THE SECRETARY: Senator Montgomery.

THE PRESIDENT: Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, to explain my vote.

Mr. President, I smell a rat. Now, this is very strange to me that this bill was put on the floor by none other than the illustrious Majority Leader, and now all of his members are voting against him, his bill. And furthermore, they're all blasting us because we are voting for it. Now, that's strange to me.

But let me just say this is not the final bill. I am sure that there are many more hours, Mr. Majority Leader, as your members vote against you -- there are many more hours that we are going to be negotiating on this issue.

So we're not really voting for or against the Governor's bill, we're voting -- this is at least I'm voting for the idea that the Governor has put forward as it relates to what is going to happen to healthcare delivery in the state of New York.

He is upon on a mission to, as he says, change the paradigm. That's all this is about. So we have to figure out how do we get to the right point in the right way. That won't be resolved based on our vote for or against this legislation. That has to be negotiated out. I understand that.

But what I am voting for, what I'm voting yes for, is I like the idea that the Governor would like to see patients considered the priority as it relates to our healthcare delivery system. I had people, women sit in front of me today from a community healthcare center where they are cancer survivors, and that center means all life to them. Should I be concerned about us having more opportunities for that kind of healthcare? I think yes. I owe that to my constituents.

I thank you for looking out --

Senator Alesi was looking out for my people. I thank him for that. But I am too. I'm looking out for all of the people that need healthcare services, from the very young to the very old in my district.

So I'm on the side of the Governor. Let's change the paradigm. That's a good thing.

And please, I don't know why your members are voting against you. But I'm voting yes for this bill.

SENATOR BRUNO: Mr. President.

THE PRESIDENT: Senator Montgomery will be recorded in the negative. Senator Bruno -- I'm sorry, Senator Montgomery will be recorded in the affirmative.

Senator Bruno.

SENATOR BRUNO: Point of personal privilege, Mr. President.

I believe -- Senator Montgomery, I respectfully correct you. This is not my bill. This is Governor Spitzer's program bill as part of the budget.

And I guess smelling a rat is better than being one. Thank you,

Mr. President.

(Laughter, jeers.)

THE PRESIDENT: The Secretary will continue the roll call.

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: No.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: No.

THE SECRETARY: Senator Onorato.

THE PRESIDENT: Senator Onorato, to explain his vote.

SENATOR ONORATO: Thank you, Mr. President.

I rise -- I've been in the Senate now for 23 years, and I'm coming up against a first. I think this is the first time I've ever seen the Majority put out a bill to defeat. They've always put the bill out they wanted to pass.

And I don't think that this is proper, because first of all, we haven't gone through the committees to negotiate. As everyone in this room knows, this particular bill is not going to stand as it has. It has never, since I've been in the Senate, and

neither has any of you -- if it does, I'll take each and every one of you out to lunch and campaign for you in your campaign for reelection.

(Laughter.)

SENATOR ONORATO: And for that reason, I'm voting in favor of this bill, to give the joint legislative committees the opportunity to revise it. I vote yes.

THE PRESIDENT: Senator Onorato will be recorded in the affirmative.

The Secretary will read the roll call.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: "Er." Oppenheim-er.

(Laughter.)

THE PRESIDENT: Senator Oppenheim-er, to explain her vote.

SENATOR OPPENHEIMER: I thought you just said Oppenheim. All right, we're all getting a little punchy, right?

What did I want to say before I distracted myself?

I am going to vote yes. And actually, there's a couple of things I want to say.

One is that last year I think the cost of the Medicaid came somewhere to -- I'm not exactly sure, but it was at 48 billion, 49 billion. And I said, Well, if it keeps growing this way, we can forget about doing anything else in the State of New York, because now it's approaching half of our entire budget.

So I'm glad we're doing something. And we may not be doing something together, but we will be talking and that's important.

The paradigm that has to be changed is something that Velmanette Montgomery and myself, we have been talking about till we're blue in the face, which is we have to do preventive medicine in this state. She talks all the time about school-based healthcare, and she's so right. And I speak a lot about community-based family healthcare.

And you probably had people from your districts up today. You've heard me talk a lot about my Open Door, which has five

different -- four centers in my Senate district. And they provide the most remarkable care, preventive care. The children come there, they have the best doctors, the parents are there, everything is in place, and they're right smack in the center of the area that needs the most, the downtown inner cities.

And we must do this, because otherwise we're not getting at the core of the problem. And if we learn prevention, we will not have the obesity and we will not have the inactive children and we will have children who are learning to read at much younger ages, because we put that into our community-based health centers. So that they walk around with books when they're 6 months old -- well, they don't walk. At one year, they walk around hanging onto the books that they get in our community centers.

So I think we have to have this conversation. We know we will, because the subcommittee on health will be meeting soon on the budget. And we will be talking about these things, and we will -- we know it will

be changed. We know what we have now is not what will be, and we have to work it through together in the subcommittees.

I'll be voting yes.

THE PRESIDENT: Senator Oppenheimer will be recorded in the affirmative.

The Secretary will continue the roll.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: No.

THE SECRETARY: Senator Parker.

SENATOR PARKER: Aye.

THE SECRETARY: Senator Perkins.

THE PRESIDENT: Senator Perkins, to explain his vote.

SENATOR PERKINS: I want to vote no to the past, which has been one in which we spent more and more money. And as someone said, you should be getting more and more service.

Frankly, in my district, which happens to be one where we have perhaps the second-most cuts in dollars and cents, we also have some of the highest rates of infant

mortality, HIV/AIDS. I'm a colon cancer survivor. Mortality amongst black men, higher than any other community in the city.

So I want to vote yes to the new paradigm, the new paradigm that was presented by the Governor that would maybe spend less but probably provide more service, more responsiveness to primary care, more responsiveness to chronic care, chronic illnesses, more responsiveness to preventive measures.

And also, as you may know, I've had the opportunity to do a lot of work around lead, especially in New York City. And I notice that we have a pretty bad lead problem throughout the state. We're going to do something about that too. And I'm glad to see the Governor is being responsive to that crisis.

And I know that we've had a problem of high infant mortality in my district, and I see there's money available to deal with issues of that nature. And I know that there's money available to deal with problems of colon cancer, which is another serious

problem.

So I know that there's been a lot of love expressed by the other side for the concerns of those of us who are in chronic situations, and I appreciate that. And I look forward to the next step in this budget dance, in which we will hopefully begin to negotiate more seriously.

Someone from Brooklyn called it trickology. Where I come from, we call it "politricks." Somebody said they smell a rat. I don't know, but I know politricks when I see it and when I hear it.

And I think Senator Onorato sort of described it in terms of the Majority Leader bringing out one bill and his members voting against it. So --

THE PRESIDENT: Senator Perkins, you've exceeded the time limit.

SENATOR PERKINS: In conclusion, I just want to say that we have a long way to go, this is very, very important legislation, a very, very important budget. We need to take it very serious. There's great illness out there, and there's great hue and cry out

there from a lot of sectors of our communities. And we need to make sure that we do this right, that we do this dance in a way that is respectful --

THE PRESIDENT: Senator Perkins --

SENATOR PERKINS: -- of the seriousness of the problem. Thank you.

THE PRESIDENT: Senator Perkins, how do you vote?

SENATOR PERKINS: I vote yes.

THE PRESIDENT: Senator Perkins will be recorded in the affirmative.

The Secretary will continue the roll.

THE SECRETARY: Senator Rath.

SENATOR RATH: No.

THE SECRETARY: Senator Robach.

SENATOR ROBACH: No.

THE SECRETARY: Senator Sabini.

THE PRESIDENT: Senator Sabini, to explain his vote.

SENATOR SABINI: Thank you, Mr. President.

Rather than a rat, I see this as a

red herring. I don't see why this was brought to the house in this manner. I agree with Senator Onorato, this is a way of doing business that -- I guess maybe I'll put the best spin on it and say I hope it's in the spirit of reform. We see a lot of Governor's program bills come out without debate and that we get to vote up and down based on the merits. Because we haven't seen that yet. And I hope maybe that's the shape of things to come.

And I'm delighted that so many folks from upstate and the suburbs are so concerned about all the needs in our districts. I didn't hear anyone mention my district. Because actually, if I want to be parochial, the hospital in my district does very well under this budget. But that's not why I'm voting in the affirmative.

I'm voting in the affirmative because I, along with other speakers before me, believe that this is not the last we've heard of this. This is an attempt to get people to get on the record in a way that I think is rather sad to try and reduce our

state government to this level. Because it is political, let's be honest about it. You know it, I know it, we all know it.

So I'll be voting in the affirmative with the knowledge -- not the hope, with the knowledge -- that the Governor and folks in our conference and hopefully folks, from what I hear, in the other conference really want to achieve quality, sound healthcare and to protect the jobs of New Yorkers as best we can with the resources we have. I'm for that. I suspect you're for that. I know the Governor's for that.

And I want to see those jobs protected too. And I want to see those institutions protected too. And I want to see the nursing homes protected too. And I believe there's a way to get that, and that's through the conference committee.

But in the manner in which this was proposed, I'll be voting in the affirmative. Thank you.

THE PRESIDENT: Senator Sabini will be recorded in the affirmative.

The Secretary will continue the

roll.

THE SECRETARY: Senator Saland.

SENATOR SALAND: To explain my vote.

THE PRESIDENT: Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, the one thing which I have yet to hear today, and I've sat through the duration of this debate, is acknowledgement of the fact that healthcare, for at least the past decade, whether it be private or public, through Medicaid, has been increasing by minimally twice the rate of inflation, often double-digit.

The need for reform is not merely a New York phenomenon, it's a national phenomenon. It's a phenomenon in Washington, it's a phenomenon in 49 other state capitals.

This side of the aisle has attempted, certainly through the Medicaid task force that was cochaired by Senator Hannon, to try and move this dialogue forward in a meaningful fashion.

The bill presented by the Governor, which I termed earlier a retread, is in fact not a new paradigm. Words are cheap. There's nothing new about it. Yes, he tossed in baubles that provide some cover for those who have been asked to support it. But the hundreds of millions of dollars that he's proposing to slash are the same hundreds of millions of dollars that Governor Pataki proposed to slash that we rejected.

So I don't know what the price was, $10 million, $20 million, $30 million, $40 million. The baubles are there. But you know what? If you put a necklace on a pig, it's still a pig. And this is a pig. Regardless of what you want it to say, regardless of how you want to dress it, it's still a pig.

And the bottom line is is that it should be defeated. It is not reform. It's an effort to gouge the system to system, to leave the patients in your district at risk, to cripple the hospitals in your district -- for what purpose is beyond me. Serious reform is the issue, and the Governor knew better,

should have done better. And if this is the best he can do, it's a woeful demonstration.

I vote in the negative.

THE PRESIDENT: Senator Saland will be recorded in the negative.

The Secretary will continue the roll.

THE SECRETARY: Senator Sampson.

SENATOR SAMPSON: Yes.

THE SECRETARY: Senator Savino.

SENATOR SAVINO: Yes.

THE SECRETARY: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes.

THE SECRETARY: Senator Serrano.

SENATOR SERRANO: Yes.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Mr. President, to explain my vote.

THE PRESIDENT: Senator Seward, to explain his vote.

SENATOR SEWARD: I've been listening, Mr. President and my colleagues, to the debate this afternoon. It's gone on three to four hours.

And it's important to debate healthcare, it's a vitally important issue for the people that we represent no matter where in the state we may hail from. But the moment to stand up and be counted has arrive, and that's exactly what we're doing throughout this roll call.

I've heard a lot of words expressed through the debate today. People talk about reform. But my colleagues, extension of the sick tax is not reform. Massive cuts to our very fine healthcare facilities is not reform. I've heard about patients first. Once again, tax increases and massive cuts that would eliminate some 12,000 jobs in the healthcare industry and destroy access to many people to healthcare that they desperately need, that's not putting patients first.

We've heard about train rides. You know, this proposal included in the bill before us would take the wheels off that train. They're falling off. It's a train wreck waiting to happen.

There's a better way. There's a better way to proceed. First we have to

defeat this bill and move forward in a better way. Many of the proposals that have been included in the Task Force on Medicaid Reform, they've been passed by this house in the past. We need some partners moving forward.

In the area of expanding health insurance to more people in New York State, this house has been on record with many innovative approaches to making health insurance more available and affordable. And we're going to continue to press those throughout the upcoming budget debate.

My friends, we need real reform. We need real savings. There's a better way. This bill is not the way to go.

I vote no.

THE PRESIDENT: Senator Seward will be recorded in the negative.

The Secretary will read.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Mr. President.

THE PRESIDENT: Senator Skelos, to explain his vote.

SENATOR SKELOS: If I could explain my vote.

I'm really just shocked, dismayed and I guess I could even use the word befuddled from what I'm hearing from my friends on the other side of the aisle. What a difference a year makes. Last year when these cuts were proposed, our good Lieutenant Governor, then the Minority Leader, would be sitting there pounding on the desk saying how horrible these cuts are and we have to fight them and we have to go forward and stop them.

And my good friends on the Democrat side of the aisle would stand up and say, to a person, Absolutely, yes, they're wrong-minded, they're wrong, they're hurtful, they're spiteful.

And now they sit there on that side of the aisle like little marionettes, little puppets waiting for the puppet master to tell them what to do, as appendages.

(Loud response from floor.)

SENATOR SKELOS: As I mentioned last week, they would be sitting there waiting to be told what to do.

Whereas we had the courage, when our Governor was wrong, to say "You're wrong,"

and to vote to override those vetoes.

Now, we may come to that point if there's an agreement between the Senate and the Assembly. And I hope you have the courage to override Governor Spitzer's vetoes in healthcare if that does occur, that you have the courage to do that.

Shortly you'll be voting for a resolution. And within that resolution all the little baubles that Senator Saland was mentioning that you're hanging your hats on on why you're voting yes are in that budget resolution.

So, Mr. President, I have to vote no on this. I was not sent to Albany to be a puppet, to be an appendage. I was sent to Albany to vote my conscience and to vote what's in the best interests of the people of my district and of all of Nassau County and Long Island.

I vote no.

THE PRESIDENT: Senator Skelos will be recorded in the negative.

The Secretary will read.

THE SECRETARY: Senator Smith.

SENATOR SMITH: Yes.

THE SECRETARY: Senator Stachowski.

THE PRESIDENT: Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: Mr. President, to explain my vote.

I wasn't really going to speak at all, I was just going to vote yes quietly and let it go. But here I'm getting lectured all afternoon and into the night about voting for a bill to get the budget process moving.

And I keep hearing about the solutions they have on the other side. But if they really had solutions on the other side, we wouldn't be voting on the Governor's bill, we'd be voting on the Republican health bill. We don't have that.

We're going to have a Republican health resolution. But a resolution doesn't mean a thing in the budget process. It just forwards along a generalization, not specifics.

So it's easy, when you're doing a generalization, saying I'm going to cure all

the ills in healthcare and replace all the money to the hospitals and the nursing homes, when that way, if you do it in a resolution, you don't have to say how you're going to pay for it.

And I don't want to be a stickler. I would love to see a bill that would actually work and do all the things, and then we probably could all support that. But that's not what we have.

And so I'm going to vote yes to get the process moving and hope that somewhere along the line we get to a place where we have a bill that everybody can support that does the things that everybody has been talking about this afternoon.

I vote yes.

THE PRESIDENT: Senator Stachowski will be recorded in the affirmative.

The Secretary will continue the roll.

THE SECRETARY: Senator Stavisky.

THE PRESIDENT: Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Yes. Mr. President, we've been assured that there was really no politics involved in this, that this bill is really -- what was the phrase -- politricks.

But here on Day 71, if this bill is so bad, why was it reported out of committee? But there was no politics involved.

I have never seen this sort of thing happen before, and I've been watching the Legislature for many years, where a bill is deliberately reported out of committee so that it can fail.

It seems to me that this is not the last word on the bill, and that is why I am going to be voting in the affirmative.

THE PRESIDENT: Senator Stavisky will be recorded in the affirmative.

The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes.

THE SECRETARY: Senator Thompson.

SENATOR THOMPSON: Yes.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: No.
THE SECRETARY: Senator Valesky.
SENATOR VALESKY: Yes.
THE SECRETARY: Senator Volker.
SENATOR VOLKER: Mr. President, to quickly explain my vote.
THE PRESIDENT: Senator Volker, to quickly explain his vote.
SENATOR VOLKER: I certainly recognize how uncomfortable it is for many of my fellow Democrats in this chamber. And I said "fellow Democrats."
(Laughter.)
SENATOR SMITH: Getting closer.
SENATOR VOLKER: Let me just say to you --
THE PRESIDENT: May we have some order in the chamber while Senator Volker --
SENATOR VOLKER: Let me just say to you that it's fascinating to me, and my colleagues have remarked about the reverse here. And there's a lot of truth to that.
You know, this house has been the strongest house on healthcare by far. We've protected hospitals and nursing homes, and you

on this side have castigated us when we even thought about cuts.

George Pataki submitted virtually the same so-called reform package, and it's a different paradigm? It's the same stuff. I mean, when I looked at it I thought, I could track these easily.

What it is is it's saying we're going to challenge the Legislature, and we're going to call it reform, even though we're not exactly sure what we're doing.

But I will tell you this. Now you know what it is to have your Governor on the second floor. We were pretty gentle with George sometimes, but we always made him change. We always went in and dug in.

And Senator Perkins, you talked about lead. I was the leader of that and did a lot of work on lead poisoning for years, and we did a lot of stuff. The problem was we had trouble with New York City. New York City always opposed us because the trial lawyers -- I just want to mention this -- the trial lawyers always wanted a piece of the action. And we couldn't to it because of that. I only

mention that because I know a little bit about how this stuff goes.

But the bottom line is, here, this is not reform. You're voting for the status quo. You're voting for the status quo. What we're doing is saying, all right, we stopped George Pataki and we're also going to stop Governor Spitzer from wrecking the healthcare system.

I vote no.

THE PRESIDENT: Senator Volker will be recorded in the negative.

The Secretary will continue the roll.

THE SECRETARY: Senator Winner.

SENATOR WINNER: No.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Nay.

THE SECRETARY: Senator Young.

SENATOR YOUNG: No.

THE PRESIDENT: The Secretary will announce the results.

THE SECRETARY: Ayes, 29. Nays, 33.

THE PRESIDENT: The bill is lost.

Senator Bruno.

SENATOR BRUNO: Mr. President, I would move to table this bill.

THE PRESIDENT: So ordered.

SENATOR BRUNO: Mr. President, can we at this time take up Resolution 898.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 898, adopting a budget resolution proposing amendments to the 2007-2008 Executive Budget submission pertaining to Health and Mental Hygiene (Legislative Bills 2104A and 2108A).

THE PRESIDENT: The Secretary will call the roll on the resolution.

(The Secretary called the roll.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Mr. President, to explain my vote.

THE PRESIDENT: Senator Bruno, to explain his vote.

SENATOR BRUNO: This resolution that's before us, just so that you're clear, helps to fix the pain that those of you that

voted for the Governor's bill, that you inflict on your healthcare delivery system.

It puts back about $540 million of the cuts to nursing homes and hospitals, takes away the tax -- this Governor said no new taxes -- $137 million tax in the bill that you voted for that we eliminate in this resolution. It also puts back about $165 million in the trend factor of 2.5 percent for hospitals and nursing homes that the Governor took out, that you voted on that side of the aisle to support.

So, Mr. President and colleagues, all of the good things that was in the proposal that you were supporting is in this resolution. Those that you talked about that you needed that would be missing will not be missing. They're in here.

But what we are doing is restoring the severe cuts to nursing homes, hospitals, doing away with the tax and returning the trend factor that you supported last year, that you have supported in the past when we were dealing with this healthcare objectively.

I would recommend heartily that we

support this resolution, and I vote in favor.

SENATOR CONNOR: Mr. President, point of order.

THE PRESIDENT: Senator Connor, point of order.

SENATOR CONNOR: Mr. President, didn't we in the rules debate just a few weeks ago have the Majority insist that a resolution was not subject to a roll call and it was only subject to a voice vote? Is the roll call proper on a resolution, Mr. President? That's my point of order.

THE PRESIDENT: Senator Connor, your point of order is well taken. This is a concurrent resolution calling specifically for a roll call vote.

SENATOR BRUNO: Thank you, Mr. President, for being so knowledgeable.

(Laughter.)

THE PRESIDENT: Senator Bruno will be recorded in the affirmative.

Senator Hannon, to explain his vote.

SENATOR HANNON: Thank you, Mr. President.

The resolution before you not only enacts a wide array of restorations to make sure that the essential core of the healthcare system in this state can go forward, it avoids the budget-wrenching results to hospitals and nursing homes who would have money taken away from them in the middle of their fiscal years. It avoids a number of other draconian things.

Since I'm explaining my vote and the hour is late, let me point out to my colleagues on the other side of the aisle that all of the things you thought were being denied are not being denied. All of those items -- the cervical cancer vaccines, the lead, the what they call body mass index for detecting obesity and leading to prevention of juvenile diabetes -- all of those are in the resolution.

And so if you're voting against this resolution, all of those things that you said were so good -- I can name them by name, because I wrote them down -- you're voting against them right now.

And besides that, you're also voting against all of the programs that we

have put forward as we think are filling in the vast gaps that the Governor talked about but omitted from that budget bill that we've just laid on the table, including Wellness Works, health information technology, neonatal intensive care units, arthritis, Healthy New York for the people who can't afford the mammographies and the cervical cancer screening that we purport to give, a hospice program for all children in the state, several programs in regard to health technology, an introduction of actual quality initiatives measuring the performance of care in hospitals and making adjustments accordingly in regard to reimbursements.

These are just some of the things we've added. This is a very substantial proposal. Conference committees begin in a day or two. This is not something you can sit back and wait. You just have to do something more than by rote, the way you've been doing.

Mr. President, I vote in the affirmative for this resolution.

THE PRESIDENT: Senator Hannon will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Concurrent Resolution Number 898 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

Ayes, 34. Nays, 28.

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Resolution 895.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Concurrent Resolution Number 895, by Senator Bruno, adopting a budget resolution proposing amendments to the 2007-2008 Executive Budget submission (Legislative Bills 2100B, 2101A,

2102A, 2103B, 2104A, 2105B, 2106B, 2107B, 2108A, 2109B and 2110B).

THE PRESIDENT: The Secretary will call the roll on the resolution.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Those recorded in the negative on Concurrent Resolution Number 895 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

Ayes, 34. Nays, 28.

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we take up the controversial reading of the calendar in regular order.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 297, Senate Budget Bill, Senate Print 2100B, an act making appropriations for the support of government, PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: The Secretary will call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 297 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

Ayes, 34. Nays, 28.

ACTING PRESIDENT WINNER: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 301, Senate Budget Bill, Senate Print 2105B, an act making appropriations for the support of government, TRANSPORTATION, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL CONSERVATION BUDGET.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 301 are Senator Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

Ayes, 34. Nays, 28.

ACTING PRESIDENT WINNER: The

bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 302, Senate Budget Bill, Senate Print 2106B, an act to amend the Civil Service Law and the State Finance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 302 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

Ayes, 34. Nays, 28.

ACTING PRESIDENT WINNER: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 304, Senate Budget Bill, Senate Print 2109B, an act to authorize funding for the Consolidated Local Street and Highway Improvement Program.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 18. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 304 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

Ayes, 34. Nays, 28.

ACTING PRESIDENT WINNER: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 305, Senate Budget Bill, Senate Print 2110B, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 305 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

Ayes, 34. Nays, 28.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Bruno, that completes the controversial calendar.

SENATOR BRUNO: Thank you, Mr. President.

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

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Senator Johnson, from the Committee on Finance, reports the following nominations.

As Commissioner of the Office of Children and Family Services, Gladys Carrion, Esquire, of the Bronx.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR JOHNSON: I'd like to move the nomination and call upon Senator Carl Kruger.

ACTING PRESIDENT WINNER: Senator Carl Kruger.

SENATOR CARL KRUGER: Thank you, Senator Johnson.

Mr. President, firstly, on a personal note, before I move the nomination of

Gladys Carrion, I would like to take this opportunity to sort of kick away the rubble that's in the center of this battlefield today and talk for a moment about why I am here and why I am representing the Social Services Committee in the Senate.

I think if we want to talk for a moment about change and we want to talk about bipartisan government, if we want to move forward with a positive agenda, then we have to talk about what happened in the last ten days here in Albany.

Our Majority Leader, Senator Bruno, in concurrence with Minority Leader Malcolm Smith, made a historic move. And the move was to take someone from the Minority party, myself, a Democrat, and appoint me as the chairperson of the Standing Committee on Social Services.

That not only has narrowed the aisle, but it's also narrowed the rhetoric. It's made what was a partisan move a bipartisan move. It says to all of us that there is change taking place, and that's positive change. It's change that says that

we are going to be working together in unison as a partnership, rather than individually, but rather, this time, collectively.

So in the spirit of that change, and as my first act as the chairperson of the Committee on Social Services, after holding a committee meeting this morning, I would like to move the nomination of Gladys Carrion as the Commissioner of the Office of Children and Family Services.

As an acting commissioner, Commissioner Carrion has been an exemplary model for what we want to see happening as we move that agency forward. With her long history in government and in the private sector, Commissioner Carrion brings a wealth of knowledge and expertise at this critical juncture, a juncture where we are going to use our budgetary skills and the best that we can do as legislators and as human beings to understand the needs of children and families.

The developmentally disabled, the underprivileged, the sick, the indigent will find a place in the heart and in the mind of Commissioner Carrion.

So it's with great pleasure, and in the spirit of what we're doing here today, that I support the Governor's nomination of Commissioner Carrion as our next Commissioner of the Office of Children and Family Services.

Thank you.

ACTING PRESIDENT WINNER: Thank you, Senator Kruger.

Senator Gonzalez.

SENATOR GONZALEZ: We thank you, Mr. President.

I rise to second the nomination of Gladys Carrion. I've had the distinct pleasure of working with her through her many capacities, especially when she was Commissioner of Community Development in the City of New York, and all the other aspects where she has done a fine job.

And I commend the Governor for this appointment, and I wish her well.

So thank you, Mr. President. God bless her. Godspeed.

ACTING PRESIDENT WINNER: Thank you, Senator Gonzalez.

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Today, again, I rise up to support and to second the nomination of Gladys Carrion. This is another of those appointments by the Governor that makes me happy.

It makes me happy because Gladys is not only a woman, is not only a Hispanic, capable person, not only -- she not only was the executive director of the Inwood House and the executive director of Family Dynamics, Incorporated, and worked for the Ford Foundation, and she was also Commissioner of the Community Development Agency, but she -- she is the wife of one of my good friends.

From 1993 to 1996, I served as the Bronx commissioner in the Civilian Complaint Review Board. And I had the honor and privilege to work with her husband, the Honorable Hector Soto. And there we did a lot of things for the community.

And last week, Mr. President and ladies and gentlemen, last week the Governor also appointed Lorraine Cortes-Vazquez as the

Secretary of State, and this body approved that nomination last week. And today it gives me an extra honor to say that Lorraine Cortes-Vazquez resides in my district, the district that I represent.

And the Governor today has appointed another person that resides in my district, Gladys Carrion.

So, ladies and gentlemen, the Governor has been very fair and very consistent in appointing good people from my district, showing that the people of the 32nd Senatorial District are good residents, honorable residents, well prepared, well qualified, and well recognized by this Governor.

So the 32nd Senatorial District today is proud and honored to second the nomination of Gladys Carrion, because she represents not only a Puerto Rican, a Hispanic, a woman, and not only she is the wife of Hector Soto, she's also a representative, an honorable and distinguished representative of the 32nd Senatorial District.

Thank you. Congratulations.

ACTING PRESIDENT WINNER: Thank you, Senator Diaz.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I rise to say that while Ms. Carrion does not live in my district, it is still a great day for the Bronx, primarily because her good works precede her.

And she has a tremendous job to do for the children and families of the State of New York. But she comes highly recommended by a friend that we share in common who worked for Families and Children with me in HIV and AIDS many years ago. And I know that she's going to do an extraordinary job for us.

And the Bronx is proud today to welcome you to this new position. And I know you're going to do well. Congratulations.

ACTING PRESIDENT WINNER: Thank you, Senator Hassell-Thompson.

Senator Maltese.

SENATOR MALTESE: Mr. President, I rise to second the nomination of Gladys

Carrion as Commissioner of the Office of Children and Family Services.

The hour is late, and it is a pity that the hour is late and that we had so much on the agenda, today because this nomination by the Governor is of critical importance, working with children and family services.

I'll be brief and just read the titles and the positions that this wonderfully qualified woman has held. The first, of course, is with United Way as senior vice president for community investment. With Inwood House, executive director. Family Dynamics, Incorporated, executive director. Ford Foundation, program officer, urban poverty. New York City Community Development Agency, a commissioner.

New York City Board of Education, the consultant and chair of the Chancellor's Task Force on Latino Educational Opportunities. The Workers' Compensation Board, she served as general counsel, supervising law judge, senior law judge. With ASPIRA of New York, acting executive director. Bronx Legal Services Corporation, managing

attorney. Bronx Legal Services again, acting unit director and staff attorney.

Her educational background is paramount. She has a JD from NYU Law School and a B.S. from Fordham.

And, Mr. President, I'm proud to second the nomination of this superbly qualified candidate to hold such a critically important office.

ACTING PRESIDENT WINNER: Thank you, Senator Maltese.

Senator Perkins.

SENATOR PERKINS: Thank you very much.

I just wanted to take a quick moment to express my congratulations. I had the privilege of working with Ms. Carrion in her capacity with the United Way. And when we were working on workforce development issues, particularly a special project that the Council of the City of New York sponsored of $50 million to create employment opportunities in response to the Community Services Society report on the high rates of unemployment especially among African-American, Latino, and

Asian communities.

So she was a leader in that regard, and she obviously, with that experience, convinces me and should convince all of us that she has the sensitivity and the appreciation of what her new job will entail and the kind of concerns that our city and our state have that need to be addressed.

So my congratulations and appreciation for having had the opportunity to work with her in the past.

ACTING PRESIDENT WINNER: Thank you, Senator Perkins.

Senator Montgomery.

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

I would like to join my colleagues in commending the Governor for this appointment and congratulating Ms. Carrion, Commissioner Carrion.

She has already presented in the budget hearings her vision and her intent to really make some critical changes and to make a difference for the lives of the young people that she will be responsible for in her role

as commissioner. And I'm very excited about that.

As we know, some of the most troubled young people in our state will end up under her purview in facilities and in programs that she runs. And so I'm very happy to have a person who is a woman, who is a woman who has had a vast experience with those difficult issues and areas that she will have to sort out and deal with. And she brings a sensitivity because she understands, I think, from having been there what the needs of our young people are.

So I'm very, very happy. I look forward to excitedly working with her. And, again, commend her and congratulate her on this appointment.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Montgomery.

Are there any other Senators that wish to be heard?

Hearing none, the question is on the nomination of Gladys Carrion as Commissioner of the Office of Children and

Family Services. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: Gladys Carrion is hereby confirmed as Commissioner of the Office of Children and Family Services.

(Applause.)

ACTING PRESIDENT WINNER: Commissioner Carrion is joined by her husband, Hector Soto. Welcome.

The Secretary will read.

THE SECRETARY: As Commissioner of the Department of Correctional Services, Brian S. Fischer, of Spring Valley.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

ACTING PRESIDENT WINNER: Senator Morahan.

SENATOR MORAHAN: On the nomination. I would love to second this

nomination of Brian Fischer.

ACTING PRESIDENT WINNER: Excuse me, Senator.

Can we have some order, please. Thank you.

SENATOR MORAHAN: Maybe they could take that outside.

Very briefly. I know the hour is late, and our nominees have been waiting a long time.

I don't know Mr. Fischer personally, only what I've read in his resume, and it's impressive. And as a constituent of mine, I am delighted to move his nomination.

Mr. Fischer started in the Corrections Department in 1975. He has worked throughout the system, worked at many facilities, has also initiated new programs for those prisoners transferring or being newly released.

And now he is being nominated by the Governor to be the Corrections Commissioner for the State of New York, I think a cap of a very great career that was always upwardly mobile.

I'm your Senator, sir, in case you don't know it. Okay? And I just want to introduce myself to you and wish you all the best as the new Commissioner.

Thank you.

ACTING PRESIDENT WINNER: Thank you, Senator Morahan.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. On the nomination.

Mr. President and my colleagues, it enthusiastically support this nomination of Brian Fischer to be Corrections Commissioner.

That the department he oversees will certainly be a very challenging one, that the budget of the Department of Corrections is well over $2 billion.

And I daresay that Brian Fischer, in coming before the Corrections Committee of this Senate, did a outstanding job in explaining his role. That Senator Volker pointed out in both of our committee reviews that Brian Fischer worked his way through the ranks of the Corrections Department, and that's the type of insight we certainly will

be benefiting from in the months ahead.

To have someone of his experience, his activism, his view of corrections and his steadfast working through the ranks in a variety of different positions as a New York State government worker certainly will bode well for the department and for the state.

That the committee was very impressed with Brian Fischer's qualifications and experience. And that certainly we look to work with him in the months ahead to ensure our Department of Corrections is moving forward, is providing safety and security for the brave men and women who work behind those walls, the approximately 25,000 correction officers and other correctional personnel, that those employees are going to be led by Brian Fischer.

And I commend Governor Spitzer for this appointment. And that we regret the hour is late, his patience here certainly was tested, but we look to see him to be a very patient individual and run the department in the same manner.

A very good nomination, the

committee overwhelmingly supports it, and I very much support it as well.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Nozzolio.

Senator Adams.

SENATOR ADAMS: I also rise and I agree with my colleague Senator Nozzolio that Mr. Fischer has come up through the ranks. And rarely are we afforded the opportunity to have not only academic experience but, in addition, the experience of men and women who have been in a correctional facility.

And I think that having him on board as the new commissioner is going to assist us in turning the corner on how we use the correctional facility to improve those men and women who leave the facility.

So I congratulate you and I welcome to have a joint effort of improving the correctional facilities throughout our state.

ACTING PRESIDENT WINNER: Thank you, Senator Adams.

Senator Volker.

SENATOR VOLKER: Yes, quickly.

The hour, unfortunately, is late.

Brian, we're happy to have you on board. You're the third in a series of commissioners that have all come out of the Correction Department, have graduated, as we say. You come highly regarded by the former commissioner, Glenn Goord, and by the top people in the corrections field.

We're very much happy to have you on board, and good luck to you in the future.

ACTING PRESIDENT WINNER: Thank you, Senator Volker.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Also briefly.

The place where Mr. Fischer has been for the last, what, six, seven years now is Sing Sing, which is in my district. And I have had the pleasure of going to Sing Sing on several occasions, and they have some programs there which are kind of unique to the system, in that they have education programs both for bachelor's and on to master's programs. And this is something that we have funded through really individual contributions, because as

you all know the state no longer funds higher education in prison -- which I hope we will be able to change in the coming years.

They also have a very wonderful program called -- it concerns theatrical productions that the inmates put on. They sometimes write the play, and they also perform in it. It has demonstrated an ability to bring out the responsibility and the self-control that is necessary for these kind of productions.

So there's just a lot of innovative things happening in Sing Sing. And if we could translate them throughout our system, I think it would be very beneficial to the inmates. And I think that would be, in turn, very beneficial to all of us. Because when they leave, they know how to read and write and they are very much in control of their own destinies and they know it.

Congratulations for the things you have done and the things that you will do.

ACTING PRESIDENT WINNER: Thank you, Senator Oppenheimer.

Are there any other Senators that

wish to be heard?

Senator Montgomery.

SENATOR MONTGOMERY: Yes, I just want to -- I rise to commend and congratulate Superintendent -- Commissioner Fischer.

And let me just say that so many of the people that you've worked with over there and throughout the state over there in Sing Sing, those programs that you have brought in and allowed people who were incarcerated to participate in, they come back to my district and they are very different people because of the work that you've done with them.

So I want to say here I appreciate the work that you've done in the past and I certainly look forward to being able to work with you ongoing, because the lives that you have in your jurisdiction, many of them will be coming back to communities and districts like mine.

So thank you, and I look forward to working with you.

ACTING PRESIDENT WINNER: Thank you, Senator Montgomery.

Any other Senators wish to be

heard?

The question is on the nomination of Brian S. Fischer as Commissioner of the Department of Correctional Services. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: Brian S. Fischer is hereby confirmed as Commissioner of the Department of Correctional Services.

(Applause.)

ACTING PRESIDENT WINNER: Brian Fischer is joined by his wife, Rhoda, and his son, Scott Fischer. And I don't know if they've stuck here with you, but in any event, we welcome them here.

And, Commissioner, as the representative of Elmira and Southport and Monterey, I look forward to working with you in the future. So congratulations on your appointment.

The Secretary will read.

THE SECRETARY: As Commissioner

of the Office of General Services, John C. Egan, of Slingerlands.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR JOHNSON: I'd like to move the nomination and ask that you recognize Senator Breslin for a second.

ACTING PRESIDENT WINNER: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I rise to second the nomination of John Egan, not only a constituent but a very dear friend.

And I might add, I should apologize; I told his son, Supreme Court Judge John Egan, about ten after 3:00 that the nomination should be taken up in about 15 minutes.

(Laughter.)

SENATOR BRESLIN: John Egan, in my opinion, is the finest public servant that this state has ever seen. For my entire adult life he has been an idol for many of us in the Capital Region, taking OGS years ago to

successes, the Department of Transportation, the Dormitory Authority.

The Albany Airport, if you'll remember, now the Albany International Airport, was a very modest place until John Egan got his hands on it. And, I might add, assisted by the Majority Leader of this Senate, Joe Bruno, who did so much to bring Southwest here and do so many other things.

But John continued on by running the Harriman Campus, redeveloping it, on the Task Force for High Speed Rail. And it just seemed that wherever you went to have something done, it was John Egan there. And many people I'm sure thought that there were more than one John Egan. Well, there isn't.

And, you know, when this Governor said he's going to bring the best and the brightest, he brought the best and the brightest in John Egan.

Thank you very much, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Breslin.

Senator Larkin.

SENATOR LARKIN: Thank you,

Mr. President.

You know, to stand up and nominate or second the nomination of John Egan is a true privilege.

You know, many times you get asked to nominate somebody for something and you're honored to do it. But I've been around this chamber for 31 years. And when I first met John Egan he was on the other side, like he is today. But John Egan is not a person that goes from side to side. John Egan has treated everybody, regardless of whether they were minority or majority, Senate or Assembly, because his goal was to assist you in doing something that was positive for your district. Not for John Egan, but for what it meant in your district and what it would mean for the people of the State of New York.

Senator Breslin stole my thunder, but I used it in a Senate meeting. You know, when you start to look at somebody to do a project, you have to look at him from all aspects. John Egan is a man for all reasons.

John, I don't know how you do it, but I'm honored that you would consider to

come back, because you are the epitome for everybody to look at who ever wants to be in public service. You are the person they should look at. And young people should idolize you because of what you stand for and the greatness you bring to the State of New York.

Thank you very much, John.

ACTING PRESIDENT WINNER: Thank you, Senator Larkin.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. I rise at this late hour with your indulgence to briefly echo the comments of my good friends Senator Breslin and Senator Larkin.

That yes, I served in the State Legislature for 25 years and through that time have admired the actions of John Egan. We debated a bill for three hours earlier today. We certainly could have spent three hours discussing the experience and career of John Egan.

But I wish just to summarize and say that, yes, you are in fact a model for

those who study the management of public service, those who are brought to public service to do a job, to do it well.

That the gain of the OGS, though, is the loss of the high-speed-rail project, and that certainly was a project that John Egan was very much involved with and that would certainly in the long run help our upstate economy a great deal.

Nonetheless, I think that his position here will serve the state very well, the taxpayers very well, and that I echo the great sentiments by my colleagues in support of John Egan, public servant.

ACTING PRESIDENT WINNER: Thank you, Senator Nozzolio.

Senator Volker.

SENATOR VOLKER: Mr. President, John Egan may be the most confirmed man here in the history of the New York State Legislature. I think I've spoken more on his behalf than any other person I could ever remember.

And for an Irishman, I have to -- I never heard a bad word, and for an Irishman,

that's really something.

(Laughter.)

SENATOR VOLKER: I've got to say, John, that as I said to you in the Finance Committee, "Did you do anything since the last time we confirmed you?" And he said, "Not that I know of." If there's anybody clean in this capital, it's you, because we've investigated you so many times.

But congratulations and good luck.

ACTING PRESIDENT WINNER: Thank you, Senator Volker.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

It gives me pleasure to second this nomination and to remind Mr. Egan that while he may not remember me, I remember him quite well. Several years ago, under the Cuomo administration, I was on the Minority and Women Business Advisory Task Force. And part of our job was to put together the language for what became 15A.

And I have to say that he was one of the few commissioners that I worked with

who was, first of all, a gentleman and respectful, and his staff was cooperative in helping us to develop the language that went forward to become a major piece of legislation in the State of New York representing the needs of minorities and women in the business community.

And I want to thank him for that and to be very pleased to be in this position today to be able to vote on his nomination for this position.

Congratulations to you, Mr. Egan.

ACTING PRESIDENT WINNER: Thank you, Senator Hassell-Thompson.

Any other Senators wish to be heard?

The question is on the nomination of John C. Egan as Commissioner of the Office of General Services.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: John C.

Egan is hereby confirmed as Commissioner of the Office of General Services.

Congratulations.

(Applause.)

ACTING PRESIDENT WINNER: Commissioner Egan is also joined by his wife, Ginny Egan, and his sons, Justice John Egan, Jr., and Dan Egan.

Thank you for coming and congratulations, Commissioner.

The Secretary will read.

THE SECRETARY: As Commissioner of the Office of Temporary and Disability Assistance, David A. Hansell, of New York City.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR JOHNSON: I'd like to move the nomination and ask that you recognize Senator Carl Kruger for a second.

ACTING PRESIDENT WINNER: Senator Kruger.

SENATOR CARL KRUGER: Thank you, Senator Johnson.

Mr. President, today, on behalf of

the Committee on Social Services, I second the nomination of David Hansell as the Commissioner of Temporary and Disability Assistance.

Mr. Hansell, currently the HRA, Human Resources Administration, chief of staff back in New York City, has a distinguished record in public service.

He brings a clear and keen understanding of the congruent efforts of the disabilities and the needs for families and to raise the bar and standard as we move forward to make our citizenry self-sufficient, to develop programs and be innovative into our efforts to take people off of the public assistance rolls and make them functioning members of our society.

So on behalf of our committee, I would like to compliment the Governor on his appointment of David Hansell, and I believe that he will be doing not only a good job for us, but he'll a role model for others as they move forward.

Thank you.

ACTING PRESIDENT WINNER: Thank

you, Senator Kruger.

Are there any other Senators that wish to be heard?

The question is on the nomination of David Hansell as Commissioner of the Office of Temporary and Disability Assistance. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: David Hansell is hereby confirmed as Commissioner of the Office of Temporary and Disability Assistance.

Congratulations.

(Applause.)

ACTING PRESIDENT WINNER: Commissioner Hansell is joined by his partner, Robert Cimino, and his parents, Herbert and Jeanne Hansell.

Welcome. Congratulations, Commissioner.

Senator Volker.

SENATOR VOLKER: Is there any

further business at the desk?

ACTING PRESIDENT WINNER: There is no further business.

SENATOR VOLKER: Please recognize Senator Dilan.

ACTING PRESIDENT WINNER: Senator Dilan.

SENATOR DILAN: There will be a Minority conference tomorrow, Tuesday, 10:30, in Room 315.

Thank you.

SENATOR VOLKER: Mr. President, there being no further business, we will adjourn until tomorrow, Tuesday, March 13th, at 11:00 a.m.

ACTING PRESIDENT WINNER: On motion, the Senate stands adjourned until Tuesday, March 13, at 11:00 a.m.

(Whereupon, at 9:26 p.m., the Senate adjourned.)