NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 13, 2007

11:10 a.m.

REGULAR SESSION

SENATOR JAMES W. WRIGHT, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT WRIGHT: The Senate will come to order.

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

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

ACTING PRESIDENT WRIGHT: The invocation today will be given by Reverend Peter G. Young, Mother Theresa Community of Albany.

Father.

REVEREND YOUNG: Thank you, Senator.

Dear God, as we gather in Your name, we call in Your blessings to all of the members of the Senate chamber. Enhance their work with the power that only You have as our Creator.

We pray that their legislative efforts will provide our New York State citizens with a quality of life that will offer dignity and opportunity.

Amen.

ACTING PRESIDENT WRIGHT: Thank

you, Father.

Reading of the Journal.

THE SECRETARY: In Senate, Monday March 12, the Senate met pursuant to adjournment. The Journal of Sunday, March 11, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there are substitutions at the desk. If we could make them at this time.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: On page 23,

Senator O. Johnson moves to discharge, from the Committee on Finance, Assembly Bill Number 6160 and substitute it for the identical Senate Bill Number 3320, Third Reading Calendar 291.

And on page 23, Senator O. Johnson moves to discharge, from the Committee on Finance, Assembly Bill Number 6161 and substitute it for the identical Senate Bill Number 3321, Third Reading Calendar 292.

ACTING PRESIDENT WRIGHT: Substitutions so ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar, with the exception of Resolutions 891 and 899.

ACTING PRESIDENT WRIGHT: All in favor of adopting the Resolution Calendar, with exception of Resolutions 891 and 899, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WRIGHT: Opposed, nay.

(No response.)

ACTING PRESIDENT WRIGHT: The

Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution 777 was previously adopted. It's by Senator Winner. He would like to open it up for cosponsorship. If anybody wishes not to sponsor it, they should notify the desk.

ACTING PRESIDENT WRIGHT: We're going to open 777 for cosponsorship. Please contact the desk.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial reading of the calendar, commencing with Calendar Number 291 and 292.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: Calendar Number 291, substituted earlier today, Assembly Budget Bill, Assembly Print Number 6160, an act to amend Chapters 50, 53 and 55, making appropriations for the support of government.

ACTING PRESIDENT WRIGHT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT WRIGHT: The bill is passed.

THE SECRETARY: Calendar Number 292, substituted earlier today, Assembly Budget Bill, Assembly Print Number 6161, an act to amend Chapter 60 of the Laws of 2006, relating to providing.

ACTING PRESIDENT WRIGHT: Read the last section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT WRIGHT: The bill is passed.

We'll go to the regular order. The Secretary will read.

THE SECRETARY: Calendar Number

126, by Senator Young, Senate Print 374, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT WRIGHT: Read the last section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT WRIGHT: The bill is passed.

THE SECRETARY: Calendar Number 186, by Senator Nozzolio, Senate Print 1448, an act to amend the Penal Law, in relation to establishing.

ACTING PRESIDENT WRIGHT: Read the last section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT WRIGHT: The bill is passed.

THE SECRETARY: Calendar Number 201, by Senator Maziarz, Senate Print 43, an act to amend the Vehicle and Traffic Law, in relation to increasing penalties.

ACTING PRESIDENT WRIGHT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT WRIGHT: The bill is passed.

THE SECRETARY: Calendar Number 236, by Senator Morahan, Senate Print 1471, an act to amend Chapter 672 of the Laws of 1993, amending the Public Authorities Law.

ACTING PRESIDENT WRIGHT: Read the last section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT WRIGHT: The bill is passed.

THE SECRETARY: Calendar Number 298, Senate Budget Bill, Senate Print 2101A, an act making appropriations for the support of government, LEGISLATURE AND JUDICIARY BUDGET.

ACTING PRESIDENT WRIGHT: Read the last section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WRIGHT: Those who are voting in the negative, would you please raise your hands again so we can get the count? Thank you. And please keep them in the air.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 298 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Oppenheimer, Parker, Perkins, Sabini, Sampson, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

Ayes, 32. Nays, 25.

ACTING PRESIDENT WRIGHT: The bill is passed.

Continue with the reading of the calendar.

THE SECRETARY: Calendar Number 300, Senate Budget Bill, Senate Print 2103B, an act making appropriations for the support of government, EDUCATION, LABOR AND FAMILY --

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT WRIGHT: The bill is temporarily laid aside.

Could we have some quiet, please. Take the conversations outside the chambers.

Thank you.

THE SECRETARY: Calendar Number 303, Senate Budget Bill, Senate Print 2107B, an act to amend --

SENATOR SKELOS: Lay it aside temporarily, please.

ACTING PRESIDENT WRIGHT: The bill is laid aside temporarily.

That completes the noncontroversial calendar, Senator Skelos.

SENATOR SKELOS: Mr. President, there is a joint meeting of the Assembly and the Senate concerning the election of the Board of Regents.

So the Senate will stand at ease until the meeting is over, and then we'll reconvene.

ACTING PRESIDENT WRIGHT: The Senate will be at ease.

(Whereupon, the Senate stood at ease at 11:30 a.m.)

(Whereupon, the Senate reconvened at 2:38 p.m.)

ACTING PRESIDENT MARCELLINO: Will the Senate come into session, please.

Guests take their seats, members take their seats. Any conversations, please remove them from the chambers so we can get started.

Anyone within the sound of my voice, the session is now back in order. The Senate is now back in session.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe you are ringing the bell to get members to the chamber.

I know it's a particularly busy day, but there are things that we have to do here that are important.

ACTING PRESIDENT MARCELLINO: Senator, the bells are ringing, so to speak.

And as I said, anyone who is within the sound of my voice, please return to chambers as quickly as possible.

SENATOR BRUNO: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Onorato, why do you rise?

SENATOR ONORATO: Mr. President, earlier this morning I was at the bill signing

for the workers' comp. Had I been in session when the vote was taken on Calendar 298, Senate Bill 2101A, I would have voted no.

ACTING PRESIDENT MARCELLINO: The record will so reflect.

Senator Savino, why do you rise?

SENATOR SAVINO: Thank you, Mr. President.

Also, I was at the bill signing for the workers' compensation bill. And had I been in the Senate chamber at the time, I would like the record to reflect that I would have voted in the negative on Calendar 298, Senate 2101A.

ACTING PRESIDENT MARCELLINO: The record will so reflect, Senator.

Senator Smith.

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

Yesterday we had a vote that was taken in here that was very thought provoking, required a great deal of passion and discussion on both sides of the aisle. Members expressed their concern, they expressed their differences, and there was a

great deal of enthusiasm, if you will.

I rise today to do two things. One, to offer an apology to the Majority Leader, one in terms of some of the language, some of the aggression of the language that was used to the members and to the members of this house as well.

We have always had a very congenial and professional relationship on both sides of the aisle, and it is important to me to let you know and understand that the passion that you heard from the members yesterday was nothing to do with personal issues, more so the passion of the people from their districts speaking through them. And for people who have been sort of out in the wilderness, if you will, for a long time, that passion came forward.

But I do want to say to you and I do want to apologize to the body that that is by no means the way in which we would look to conduct ourselves going forward. I say that to the president as well. And that we look forward to a very congenial relationship.

We have much to do on the budget,

much to do on time, and know that the respect that this house has had, even prior to my being here, and some of these members, is the respect that we want this house to always have as the upper chamber in this body of government.

And again, I want to offer to the Majority Leader no disrespect in all that was said yesterday. I respect you, I respect the members of this house, and we look forward to working through the rest of the work that we have to do here.

Thank you very much.

SENATOR BRUNO: Thank you very much.

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Mr. President and colleagues, Senator Smith, thank you. Appreciate the expression and the kind words. And by way of apology, thank you for that.

And we do get overly enthusiastic sometimes, because we are very passionate about our feelings in this chamber. But this is the greatest deliberative body in the

United States here in this chamber. And we have handled ourselves in that way continually.

And, you know, we did a press bill signing with the Governor and with the leaders, and afterwards made an observation that we're in the heat of budget negotiation and it gets heated, gets passionate. And that's what democracy is all about.

And it was stated that democracy is the worst form of government except for all the others. And that was Winston Churchill, a great Republican.

(Laughter.)

SENATOR BRUNO: Or maybe I'm mistaken on that. I'm not sure of my history.

But if I'm not mistaken, Mr. President, when you want to talk about great, great individuals in the history of this chamber and the history of the Senate, and the history of the longest-serving legislator in the entire United States of America, Senator John Marchi, who is joining us in the chamber now.

And Senator Marchi, with the

president, welcome.

(Standing ovation.)

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to the noncontroversial reading of the calendar and take up Calendar Number 300.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 300, Senate Budget Bill, Senate Print 2103B, an act making appropriations for the support of government, EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Mr. President,

can I explain my vote.

ACTING PRESIDENT MARCELLINO: Senator Bruno, to explain his vote.

SENATOR BRUNO: The bill that's before us is part of the budget, and it's the Senate's response as part of the budget.

I am surprised to hear and see hands raised in opposition. This proposal before us sets a record for education in New York State. This proposal responds to the Governor's proposal which was taking education to $19.1 billion. This proposal takes it to $19.6 billion, increases education in New York City, the funds, by about $657 million or $658 million.

It does so many other things that I don't have time to go into. But it deserves the support, since education has been a priority in this chamber, certainly is on this side of the house. And I would encourage our colleagues to support funding education for our young people in this state in this way that's critically important.

We keep the foundation the Governor put in place, but we equalize those dollars by

equalizing shares. And those of you that are on the island, especially, and those in the downstate suburban districts, you take a look at the ramifications of distorting shares and you will be doing a disservice to your young people, to the teachers, to the parents.

So I would encourage you to take a look and not be cavalier in voting in opposition to the record-breaking support for education in your districts.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Bruno will be recorded in the affirmative.

Senator Saland.

SENATOR SALAND: On the bill, please, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Saland, you're explaining your vote at this point in time. We're on a roll call.

SENATOR SALAND: Mr. President, may I have the roll call withdrawn?

I'd like to go on the bill, please. I don't want to be confined to two minutes.

ACTING PRESIDENT MARCELLINO:

Without objection, the roll call is withdrawn.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, certainly for the past two or three years in this chamber and for that matter --

SENATOR BRUNO: Excuse me for interrupting, Senator. I believe we have to lay the bill aside and take it up on the controversial calendar.

ACTING PRESIDENT MARCELLINO: Lay the bill aside.

The Secretary will read.

THE SECRETARY: Calendar Number 303, Senate Budget Bill, Senate Print 2107B, an act to amend the Education Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

SENATOR SALAND: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside, please.

Senator Bruno, that completes the noncontroversial calendar.

SENATOR BRUNO: Thank you. Can we at this time take up the controversial reading of the calendar.

ACTING PRESIDENT MARCELLINO: Yes, we can, Senator.

The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 300, Senate Budget Bill, Senate Print 2103B, an act making appropriations for the support of government, EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET.

ACTING PRESIDENT MARCELLINO: Senator Saland.

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

ACTING PRESIDENT MARCELLINO: Senator Saland, on the bill.

SENATOR SALAND: My apologies to the chamber for failing to expedite this, but I thought this was so critically important

that it warranted at least several minutes' worth of explanation to explain what it is that the Senate education proposal consists of.

And first let me start off by saying, as I started to do previously, that for the past certainly three or so years, those three little letters, CFE, have been in the mind of so many people not only here in Albany and in New York City but throughout the state.

And in the context of the Court of Appeals decision in CFE II, there was much that was said by many people. And certainly this Majority Leader, Senator Bruno, has made it unequivocally clear that his concern was for a statewide resolution to the needs of so-called high-needs districts.

At that time and certainly consistently thereafter, as the chair of the Senate Education Committee, I too have spoken of the importance of a statewide solution, not merely a court-imposed resolution for one particular entity raising separation-of-powers issues and not dealing with the entire state.

Well, in fact, CFE III basically say said yes, there was a separation-of-powers issue, the Legislature and the Governor should fix it. And I do believe that the Legislature and the Governor are in the process of fixing it. And the vehicle by which we do that is the foundation formula.

And this foundation formula provides considerable amounts of money, $1.4 billion in Year 1 --

ACTING PRESIDENT MARCELLINO: Excuse me, Senator.

Can we have conversations taken out of the room, please. Can I ask the members to please return to your seats. If you have to have a conversation, please take it outside so that we can hear the debate. Thank you very much.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

-- $1.4 billion in Year 1, $4.8 billion over four years, and what many would say would be that the foundation formula is clear, it's fair, and it's reliable. And

I'm quoting, in that instance, I think exactly Commissioner Mills when he testified before the joint fiscal committees.

And I certainly can agree that it's clear. To the extent that you know how to follow the formula, it will be clear. And it will be reliable. But regrettably, it's less than fair.

And it's less than fair for some 304 districts throughout this state who statutorily are being flat-lined. It's the only way to describe it. They're being told that they're getting too much money, money that they're not entitled to. And in Year 4, that amounts to some $1.1 billion.

So if you look at the current formula that the Governor has proposed, some, in Year 1, $982 million worth of increases on the formula, $75 million of that goes to these 304 same harmless or flat-lined districts. $8.5 million of that, of the 304 districts, goes to the City of Yonkers, so the balance of 60-some-odd million is spread out over 303 districts and amounts to an increase of a little more than 6.5 percent. If you go out

to Year 4, $309 million out of $4.8 billion is a 6.3 percent increase.

What does that mean? Well, it means that the lack of fairness is going to result in these 304 school districts -- all of which, with the exception of Yonkers, are independent school districts and vote on their school budgets -- they're going to be faced with a situation in which they're getting a 3 percent increase on a relatively smaller portion of their budget, the state aid portion and the foundation aid portion, while the lion's share of their budget, which they pay by property tax, is not going to get any of that automatic 3 percent increase.

And in fact, their overall budget, if you look at the numbers basically over the course of the last several years, has grown a little better than 6 percent.

So that in Year 4, you will find or they will find themselves in situations where they will have to fund by property tax 85 to 95 percent of those increases. Which, by the time you get to Year 4, will probably be somewhere between 25 and 26 percent, just

staying at the same rate of inflation.

The 3 percent that the Governor proposes, the subsidy he's providing for these districts will compound to 12.5 percent. It's basically a lose/lose situation for 304 districts.

Now, generally in a given year you will see 80 to 90 budgets defeated going to contingency. I can assure you, as sure as we're seated here in this chamber, that by Year 2 there will be enormous numbers of contingency budgets in all of these 300-plus districts, and certainly no later than Year 3. Contingency will be a way of life for the majority of these school districts, because neighbor will be pitted against neighbor in order to try and resolve the issue of how are we going to fund when these districts have been effectively flat-lined.

Now, somebody said to me during the course of the budget hearings that this was not a Robin Hood approach. And I said, "Well, if it's not a Robin Hood approach, it's certainly an Ebenezer Scrooge approach, and I can only hope that the Governor has the same

epiphany that Ebenezer had." Because you're basically condemning all of these districts to a merciless state.

If this is about equity, if this is about fairness, if this is providing funding that's going to help the 900,000 students, better than 50 percent of the students outside of the City of New York, then something has to be done to fix it.

And we've proposed to fix it. We have proposed to fix it in a fashion that adds some $358 million to our budget this year, school-year budget about $479 million. And what we do is we remove over 220 of those save-harmless districts; more will fall off next year as well.

So the end result is that districts that through certainly no fault of their own -- some of them are poor districts, some of them are small-city school districts, some of them are small-city school districts with the same problems as big cities. And yet they're ensnared within this foundation formula that is a rather blunt instrument. It doesn't account for nuances.

Now, we also don't believe that public excess cost aid, special ed money, should be buried in. You're prejudicing all kinds of school districts as special ed costs rise. Growth aid, again, prejudicing school districts when they grow. You want a disincentive for school districts to merge? Throw reorganization aid into the foundation formula. That's what we've done here.

So the bottom line is we're not about to turn our back on 304 districts. We wholeheartedly agree that we have to provide greater equity and assistance to high-needs districts. But to basically say to 45 percent of the state's school districts, You're out of here, this is not an interest for the state, settle for the crumbs that we're giving you, you're forevermore save harmless, is grossly unfair by any standard and should be rejected. And this proposal rejects that and provides the funding to provide equity to those 304 districts.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Mr. President and colleagues, with your indulgence I would like to interrupt this debate and lay this aside temporarily.

We're joined by His Eminence Cardinal Egan and Bishop Hubbard and so many of the other of the clergy.

And I believe that we have a resolution there at the desk, Mr. President.

ACTING PRESIDENT MARCELLINO: The bill will be laid aside at your request, Senator Bruno, and we can return to motions and resolutions.

SENATOR BRUNO: And, Mr. President, I believe there's a privileged resolution by Senator Lanza that I would ask be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read Resolution Number 899, by Senator Lanza.

THE SECRETARY: By Senator Lanza, Legislative Resolution Number 899, commending The Honorable John J. Marchi upon the occasion of his designation as recipient of the John

Cardinal O'Connor Award for Extraordinary Service by the New York State Catholic Conference.

"WHEREAS, It is the sense of this Legislative Body to recognize and pay tribute to an individual of distinguished purpose and true commitment who dedicated his life and career to public service and the pursuit of excellence in the conduct of legislative process; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commend The Honorable John J. Marchi upon the occasion of his designation as recipient of the John Cardinal O'Connor Award for Extraordinary Service by the New York State Catholic Conference; and

"WHEREAS, This auspicious award is bestowed upon The Honorable John J. Marchi in recognition of his strong leadership and courage in defense of human life, Catholic education, and justice for the poor and vulnerable during his historic fifty-year tenure in the New York State Senate; and

"WHEREAS, His Eminence Edward Cardinal Egan, along with Their Excellencies The Most Reverend Bishops of New York State, will offer prayerful appreciation to The Honorable John J. Marchi on Tuesday, March 13, 2007, following the Holy Sacrifice of Mass to be held at the Convention Center in the Empire State Plaza; and

"WHEREAS, A native of Staten Island, New York, the Honorable John J. Marchi retired on December 31, 2006, after representing the region for five decades. During his time in the Senate, he was a strong advocate for Staten Island issues as well as in conservative and fiscal issues; and

"WHEREAS, The Honorable John J. Marchi was instrumental in writing the state laws to help New York City back from its financial crisis and near bankruptcy in the 1970s; and

"WHEREAS, A longtime advocate for the secession of Staten Island, The Honorable John J. Marchi wrote a law which backed a secession referendum. While the referendum passed, the State Legislature has not let

Staten Island become its own city; and

"WHEREAS, In addition, The Honorable John J. Marchi drafted both a model city charter for a new City of Staten Island and the law to close the Fresh Kills Landfill on Staten Island; and

"WHEREAS, As a prominent New York State Senator, the Honorable John J. Marchi served Staten Island and the people of New York State with intelligence and caring dedication, continuously striving to effectively fulfill the duties of his position and contributing significantly to the quality of life of his constituents and the communities of the State of New York; now, therefore, be it

"RESOLVED, That this Legislative Resolution body pause in its deliberations to commend The Honorable John J. Marchi upon the occasion of his designation as recipient of the John Cardinal O'Connor Award for Extraordinary Service by the New York State Catholic Conference; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted

to The Honorable John J. Marchi."

ACTING PRESIDENT MARCELLINO: Senator Lanza.

SENATOR LANZA: Thank you. Thank you, Mr. President.

This really is a wonderful day for all of us to be here to honor a great former member of this august body and really a person, one of the truly few I think in the world, who can truly be described as a legend in his own time.

And for me it's a particularly wonderful occasion because, while you have all been fortunate enough, many of you fortunate enough to serve with the great John Marchi, I was even luckier for 42 years to be his constituent.

And I can tell you that I and my family and all the people of Staten Island have benefited by the indelible mark of leadership which you have left for the people of Staten Island, for the people of this great state. And today we're here specifically to honor you in receiving the John Cardinal O'Connor Award for Extraordinary Service.

And what I learned about this award is that it typically would go to a cardinal or a bishop, and only in extraordinary circumstances would it go to someone who is not a cardinal or bishop. And I guess that what that says, Senator Marchi, is that you are an extraordinary circumstance. And you are.

And this has been granted you in this year, the 200th anniversary of the Archdiocese of New York and the celebration that will follow throughout this year. And I think it's fitting that this award comes from the Archdiocese and from the Catholic Conference.

And I looked into what the Archdiocese mission is all about here and why it is so fitting. And what I found is that the mission is about a history of faith, service, and doing good in many areas of society, to build a compassionate and just society serving the needs of the poor, the troubled, the frail, and the oppressed of all religions, and sustaining numerous charitable offices, agencies, programs, and to provide

compassionate and effective assistance to those most in need.

That is the mission of the Archdiocese in New York. And yet it almost to a "T" perfectly describes your tenure in the New York State Senate over fifty years.

So I just want to tell you how much we are grateful, the people of this state, for your service, how honored we are to have you here today.

And as the person who succeeded you, I can tell you most people in this house and everywhere I travel say: "You know, you've got some pretty big shoes to fill." And what I tell them immediately is of course I cannot do that. That's impossible. But who could?

And so what I try to do to honor your service is to emulate the way you went about the work of the people, with dignity and grace and compassion. And the best thing I know I can do to thank you is to always put the people first, the way you always have.

Thank you and God bless you, Senator John Marchi.

Mr. President, I would like to open up the resolution for cosponsorship by all my colleagues.

ACTING PRESIDENT MARCELLINO: So ordered. Anyone who doesn't wish to be on the resolution notify the desk.

On the resolution, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Hearing no nays, the resolution is adopted.

Congratulations, Senator Marchi.

(Extended applause.)

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Would the chair recognize Senator Marchi, with the indulgence of our colleagues here.

ACTING PRESIDENT MARCELLINO: Without objection, the chair is proud to recognize Senator Marchi.

SENATOR MARCHI: Well, I have to be very candid and very truthful at this point. I left, and when I see you all, it grieves me that these were the happiest, most

joyous days of my life.

I have enjoyed every single minute that I worked with you, all of you, from that side all the way over here. Nobody is excepted. Nobody is ruled out. And I miss you all, and I love you all. And I'm deeply touched.

And I just want to -- I don't want to wear out my welcome, so I'll just say thank you so much. You cannot imagine how happy a day you've bestowed on me. I didn't deserve this much, I really didn't. But having received it, I'm so happy to accept it.

So thank you, and God bless you all.

(Extended applause.)

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there is another privileged resolution by Senator Lanza. It's Resolution 891. I would ask at this time that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read Resolution Number 891.

THE SECRETARY: By Senator Lanza, Legislative Resolution Number 891, commemorating the 200th anniversary of the Archdiocese of New York.

"WHEREAS, It is the sense of this Legislative Body to honor and pay tribute to those places and institutions within the State of New York whose historic significance has contributed to the culture and traditions of our citizens; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commemorate the 200th anniversary of the Archdiocese of New York; and

"WHEREAS, This auspicious occasion is a wonderful time to reflect upon the history of faith and service, a history that mirrors the story of New York itself. To celebrate its bicentennial, the Archdiocese of New York has planned a yearlong series of events beginning in April 2007; and

"WHEREAS, Bicentennial celebration activities of the Archdiocese of New York will

include special liturgies and events in the hopes that all members of the community will be able to participate in the commemoration of this historic anniversary; and

"WHEREAS, In addition, the Archdiocese of New York is coordinating with Catholic Charities of New York to institute an Archdiocese of New York Day of Service to celebrate its history of serving the broader community; and

"WHEREAS, On April 8, 1808, the Diocese of New York was established with The Most Reverend R. Luke Concanen as its first bishop. It was elevated to an Archdiocese in 1850; and

"WHEREAS, On March 15, 1875, His Eminence John Cardinal McCloskey, the second archbishop of the Archdiocese of New York, became the first cardinal archbishop of the Roman Catholic Church in America; and

"WHEREAS, Currently, the Archdiocese of New York is under the spiritual guidance of His Eminence Edward M. Cardinal Egan, who was installed on June 19, 2000, and elevated to cardinal on February 21, 2001; and

"WHEREAS, With 2.5 million Catholics in its fold, the Archdiocese of New York consists of 402 parishes, 278 schools, both elementary and high schools, and 3,729 charitable ministries, which include Catholic charities, hospitals, nursing homes, and outreach programs; and

"WHEREAS, Throughout its rich historical past and up to the present day, the Archdiocese of New York has been sustained by the beneficent efforts of countless parishioners and ministries, past and present, that have generously supported their community with abundant kindness and good deeds; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the 200th anniversary of the Archdiocese of New York; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Archdiocese of New York."

ACTING PRESIDENT MARCELLINO: On the resolution, Senator Bruno.

SENATOR BRUNO: Mr. President,

thank you. Colleagues, Cardinal Egan.

We've just heard a chronicle, in a very few minutes, of the history of the church as represented over the last 200 years. And all of us of the Catholic faith know that the church goes back thousands of years. And the Cardinal, when you listen to this resolution, is the chief executive representative of all of the people.

And when you realize the schools, the hospitals, the charitable organizations, the millions of people whose lives are touched in such a positive way.

Cardinal Egan, you grace us with your presence, and we're honored. And we have the utmost of respect for the work that you do and how you do it on behalf of all of the people that you take care of and look after, really, as a good shepherd.

And I would ask that the Cardinal address the chamber, if you wish, at this time. And thank you, colleagues. And thank you, Mr. President.

Cardinal Egan.

CARDINAL EGAN: Senator Bruno,

thank you so very much for allowing me to speak on this wonderful occasion.

And let me start out with the youngest man in Staten Island. In case you don't know, his name is John Marchi.

A few months ago I had the great pleasure of helping to dedicate a building there for the City College in Staten Island. And it was a beautiful event. And on that occasion, Senator Marchi and I spoke only in a certain language that not everyone understood.

[In Italian.] And I'll translate that for you, for the few here that don't speak Italian.

I said: Senator, it's a great honor to congratulate you as an outstanding Senator in this great State of New York, as a great Catholic, as a great friend, and as one of the citizens of this Empire State of which we can all be very, very proud.

And I know I'm very proud to count myself a friend.

And I want to say that there's a young lady with the Senator here by the name of Maria Luisa, and she is the wonderful wife

of this great man. And I hope that we can all say hello to Maria Luisa as well.

(Applause.)

CARDINAL EGAN: Finally, I know you have a lot of important work to do, but I do want to thank Senator Lanza most sincerely.

I have a secretary, Senator, from Staten Island. And I've been told Staten Island is the center of the world, and I believe it. And I thank you for bringing from the center of world the congratulations to our archdiocese.

We're 200 years old now -- April 8, 2008, we'll be 200 years old. And beginning April of this year, we're going to be celebrating for an entire year to tell the Lord how grateful we are for so many blessings and to assure all of the State of New York that we want to continue to be a people in service, a people of courage, and a people of faith.

Be sure that you understand that this is a celebration, and be sure that you understand that if you will join in, we'll be very, very grateful.

So again, to Senator Lanza, to all of you for allowing me to speak, thank you. And I'm going to go because I know you have a lot else to do, but just one final word.

[In Italian.] Senator, God love you.

And Senator Lanza, thank you so very much. And thanks to all of you.

(Standing ovation.)

SENATOR BRUNO: Mr. President, would you recognize Senator Marchi for a response to the Cardinal.

ACTING PRESIDENT MARCELLINO: I thought it would be consecutive translation.

But Senator Marchi.

SENATOR MARCHI: Well, I just wanted to plead guilty as charged. And I'm certainly delighted to be with you.

And the Cardinal over here is a great guy, you know. I finally found somebody that I could speak Italian with, but the real language. And we had a wonderful time just bantering back and forth with the Cardinal, who speaks Italian beautifully. He spent many years in Rome as an advocate for the church,

and it was a joy to be with him and to have his company and his language.

So thank you. I'm very grateful to my leader here. These were the happiest days of my life, believe me.

(Applause.)

ACTING PRESIDENT MARCELLINO: On the resolution, all those in favor please indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Hearing no nays, the resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President.

We'll return back to the bill that was on the floor, part of the controversial calendar.

And I believe Senator Saland had just finished. And if I may be recognized.

ACTING PRESIDENT MARCELLINO: Senator Bruno, the Secretary will read the title.

And we have some speakers on the list, some Senators who wish to be heard on

the bill.

SENATOR BRUNO: And I would like to be heard on the bill.

ACTING PRESIDENT MARCELLINO: Okay. The Secretary will read.

THE SECRETARY: Calendar Number 300, Senate Budget Bill, Senate Print 2103B, an act making appropriations for the support of government.

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President and colleagues.

What we're voting on now, I think it's important that all of us focus on what we're doing because it's critically important. And I don't have to remind anyone in this chamber that we are sent here to be representatives of the people. And those people that send us here depend on us to do the best that we can for them. They can't be here sitting in your seats. You're here, and we are here doing their work.

So there's a lot going on this afternoon, and things are important to people,

to the institution of the Senate. I just don't want to let this pass without people being critically aware of what they're voting on.

And Senator Stewart-Cousins, I want you to just focus on the fact that this bill that's before us has $9,535,000 more for your schools, for your constituents, for your children, for your parents of those children than the Governor's proposal.

Now, you can elect with your colleagues to vote to support them, or you can support the Governor's budget. That's a choice that you're elected to make.

Senator Oppenheimer, if I can just share with you, $15.269 million, is that important, again, to your parents, to your taxpayers?

This is not anything that we should take lightly. This is something that we should focus on as elected representatives. $15,269 million. You vote yes for that money or you vote no for that money. That's what you are elected to do.

And Senator Breslin -- and I'm just

skipping around at some of these bigger numbers -- $8.688 million for your schools, for your children of your constituents, for your parents. Again, you can be representative of the people or you can represent the interests of the Governor in his budget. Your choice.

Senator Stachowski, you are a senior member here. There's $3,800,000 for your constituents in the proposal that you're going to vote on.

And Senator Thompson, $7 million almost 200,000. Again, you vote yes to be helpful and supportive, or you vote no.

And to Senator Smith, my esteemed colleague, and all of you in New York, this proposal has $115,825,000 more for the Senators in New York, representing your schools, your parents, your children. You make a choice.

Senator Klein, $4,342,000 more that's there as a proposal. That's for real. This is for real. This isn't anything other than thinking in the best interests of our constituents.

And Senator Valesky, $3,200,000.

Now, I can go on and around this room. But the important thing is that you be aware that in this proposal there's $500 million more for education than in the Governor's budget that some people are in lockstep to just support -- not based on merit, not based on anything other than a perceived allegiance.

Have allegiance to the people that sent you here, that are depending on you to do the best that you can for them. Have allegiance to them, is my recommendation. And months pass very quickly, and we're going to be facing a constituency and they are going to hold each and every one of us accountable.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Bruno.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise in enthusiastic support of this bill. Let me just say something. I've been here for 30 years in the Senate, and this

house and this Majority has always been in the forefront in leading on behalf of education.

There's no issue in my district that is more important than school taxes and quality education. You know, I represent the Capital District here, along with Senator Breslin and Senator Bruno, and we are becoming the high-tech center of the entire eastern United States. And nothing is more important for that future than good schools, quality education. And we have stepped up with this piece of legislation.

There's no district, there's no school district in my four counties that doesn't do better under this than the Governor's bill. Now, let me just say how significant that is, because I have been inundated by certain people saying make sure you pass the Governor's bill. We've made it better. We've made it better.

These are very, very important issues to everybody in this house. Education is the wave of the future. It's what's going to keep this state healthy, it's going to keep this state prosperous, and we have to invest

here.

You know, under all the governors that we've had, Governor Spitzer made this a priority. We made it better. This is a piece of legislation that every member of this house, every part of this state should support because it does more for education, it does more for the taxpayer. It's a good piece of legislation, and I'm going to support it.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Farley.

Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

There is probably no greater issue of importance than the legislation that we're talking about vis-a-vis my senatorial district and I'm sure each and every Senate district throughout the state.

We are talking about a considerable amount of money that we are spending on education. And I never thought in my political lifetime that I would see numbers like $19.3 billion, $19.7 billion for aid to education.

Senator Bruno should be congratulated because he has looked at the state and the children of this state and he has put forth a proposal that treats each region of the state fairly, and its children, so that every child in the state will have an opportunity for a sound, basic education.

On top of that, if you think about it, let's take the number $19.7 billion and add to the STAR program that we passed years ago that started at $3.4 billion, and we've added to it through CPI increases. Last year's STAR rebate program and, this year, another program to increase, to our real property taxpayers, another $6 billion over two years.

We are making a real change. And I'm not sure that many people realize that we are using the revenues of the broad-based taxes -- the income tax, the sales tax, the business taxes -- to return back to our local taxpayers to ensure that every child will have a quality education and that every taxpayer will be able to see light at the end of the tunnel in terms of real property tax relief.

When we increase state aid by the amounts that we are in this proposal, we are allowing our school districts to do two things: to provide a sound, basic education, and actually a quality education; and also to look at the other side of the equation, the taxpayer, and provide property tax relief.

We're talking about real people here. We're talking about the children in our districts. And we, in every speech that is made on education, every public office holder says this is our future and we must invest in our future. It's our children, that's what we're talking about. That's why we have made a decision to put aside some other spending proposals, take that money and put it back into a high priority, state aid to education.

This started not this year, it started last year and the year before in terms of significant increases in aid that allowed our school districts to do what I've said, provide a quality education and also provide, for the hardworking taxpayer, real property tax relief.

In all of the speeches and things

that I've been writing, I have asked my school districts to be a team player, to provide one of the negatives in the Long Island region, which are high school property taxes, to be a player, to reduce that impact, to make sure that we're keeping our best and brightest citizens and that we're attracting the best and brightest.

I've heard people at Brookhaven National Lab and the State University at Stony Brook, the community college, saying they have a hard time attracting the best and brightest because the property taxes are too high.

So today we're speaking out very loudly and clearly that we can do the two things, provide a quality education and be an economic player in reducing the impact.

The Riverhead School District is sometimes looked at as a high-needs district. Last year we were able to increase aid by $1.8 million. This year, if this proposal is enacted by the Legislature and the Governor approves it, we'll see Riverhead receiving a $2.7 million increase.

That's real in addressing the

problems of a growing area, growing in population, growing in students, providing for the diverse population that that district has and providing a quality education, and at the same time helping the taxpayers out.

For the first time in all the years that I've been in office, the assessor of the Town of Riverhead called me up and said, "Senator, I want you to know that what you did last year with the rebate program and the additional state aid to the Riverhead School District, you made a real difference in the lives of the citizens of this town." And I heard it over and over again.

So we have to remember that it's not just numbers. We talk about a formula that each year gets more and more complex to meet the varying needs and complexities of the more than 700 school districts. But these are not numbers, these are people that we're talking about. And when Senator Bruno mentions these dollars to these communities, they will make a difference in real terms to not only the students but to the taxpayers.

I will vote in the affirmative when

my name is called, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator LaValle.

Senator Flanagan.

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

I think it's important to point out positive things and then discuss some of the components of the Governor's educational plan. A $1.4 billion increase, that's a good thing. Not messing around with things like BOCES the way we have done in the past, that's another good thing. Property tax relief, at least in some form, is a positive thing as well.

But in comparing what we're doing here today and looking at the Governor's budget, it's night and day. The Governor's program, when you take in the school aid and the property tax piece, is devastating for Long Island. Senator Saland talked about this in some detail.

There are 300 districts. Virtually every district on Long Island is save harmless. What the Governor has done in his proposal is institutionalize a long-term

problem that will erode the growth of Long Island and will go exactly in the face and the opposite of what Senator LaValle just talked about, attracting the best and brightest.

Because his foundation formula takes 30 formulas and puts it in a box, but he says to 300 districts, including every one that I represent, that you don't really fit into this neat little thing that I believe is fair and equitable. So there's 300 districts that I think suffer disproportionately.

And some of the school districts who have real high needs, they do well and they need money. But if you look at the four-year plan that's advanced, they're talking about 35 to 40 percent increases, when school districts like mine and Senator Skelos and my colleagues on Long Island, at best -- at best -- you'll get 12 percent.

I don't see that as being fair. I certainly don't see it as being equitable. And if you look at a couple of things in particular, I want to focus on one area which frankly I can't believe there hasn't been a lot more discussion of. I believe that we

should pull out the high tax aid that we did last year. That was $20 million statewide, $14 million for Long Island. Tax limitation aid should be pulled out of the Governor's formula. And, frankly, special ed.

I talk to my school districts just like everybody else. The Governor's special ed proposal is devastating. If you have a school district right now and you have an excellent special ed program and you take care of those kids the way you're supposed to, guess what? Next year all you're getting is an inflationary increase. And that's the bulk of the kids who are going to be affected by this.

If you have a good program, you have 100 kids this year and you have 150 kids next year, you're only getting an inflationary increase based on the 100 kids. So that institutionalizes a problem.

And every time the special ed costs go up, that makes it harder to fund music, language, health, phys ed, everything else in the schools.

Everyone wants to meet that

mission, but this proposal, our proposal coming from the Senate Majority, adds $90 million to correct -- not to give anything extra, but to correct the problem that the Governor has created.

So in his box, in his foundation formula, those 400 districts do better. But even with them, the special ed piece is very problematic. And I believe as we move along in this month we're going to hear more and more from families and school districts and SEPTA groups. And we should, because it's very important.

On the property tax piece, when the Governor advanced his budget, he talked about how property taxes and school taxes go hand in hand or hand in glove. This is also a big problem for Long Island.

And here's a couple of basic things. I liked the rebate check. My constituents liked the rebate check. He takes it away. We're not giving people checks anymore. That's a nice thing, people like getting checks. Because they know why? They're getting it directly. The Governor

wants to give it to the school district and changes the whole way we do it. Now it's based on a sliding scale in relation to your income.

So here's something that our constituents will love. Now about 3 million people are going to have to file a form with Tax & Finance. And there's a very brief window, it's only a couple of weeks where it's all got to be in and it's all got to be decided. We should make it simple, we should make it across the board because property taxes hurt no matter where you live.

We took a simple proposal from last year and we tripled it. We want to continue the rebate check. The Governor doesn't want to do that. We want to keep it simple. The Governor doesn't want to do that. We want to make it fair for everybody. The Governor doesn't want to do that.

And I'll give you one other example. I believe, looking at the Governor's proposal, we can compare it to the Regents. Now, a lot of times in the past we've gotten up and said, boy, the Regents are really way

out there in terms of what they're proposing. The Governor's proposal creates a hundred more save-harmless districts than the Regents. That's almost hard to fathom.

So if you look at it in its totality, this proposal goes a long way and it recognizes that everybody has needs. It's fair, it's equitable, and it's something that should have been in the Governor's budget, but we have to put it in ours.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Flanagan.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I certainly am well aware that this is record amounts of education money going to our schools. As a representative of 53 school districts within my Senate district, I feel that it's important that they do get record amounts of money this year.

It's a good investment for several reasons. First of all, it invests in the students in our district and helps them with a better education. Secondly, it addresses the

New York City school needs without taking money away from the schools in the rest of the state. Third, it helps with property taxes. And property taxes are the number-one issue in my district, as I'm sure they are in most of yours.

We already know what it did when we did the Medicaid cap. The Medicaid cap helped our counties reduce property taxes. Giving more money to our schools will help them with their school taxes, will help them reduce their school property taxes and thereby help the people within our districts live within their homes.

So I support this bill and will be voting in the affirmative.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Little.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

One of the critical issues that we're dealing with in the City of New York relates to the issue of class size.

Particularly in certain grades, middle school, high school, we have children in classrooms far in excess of that which is manageable and appropriate to a quality education for those children. Teachers are not able to spend the amount of time necessary with kids who need a little extra help during the course of the class period or whatever the time frame may be.

Now, class-size reduction has two support mechanisms, two requirements that you have to meet. One of them obviously is space. Last year we did that, we did that in a very significant way. We partnered with the City of New York in providing a $13 billion capital program over a period of five years, which is well underway, to build more schools, to expand existing schools, to modernize schools and to do the things necessary to enable classes to be greater in number and therefore fewer in content.

Now, the other side of that book is of course the teachers. We need more of them and the other resources that go into the classroom. Last year we increased state aid,

operating aid, for the City of New York by approximately half a billion dollars, a significant increase. This budget, because of the recommendations of the Governor, which we applaud, with our addition of $115 million will increase aid to education in the City of New York by $659 million.

Now, we're hopeful that before we get through with this budget there will be some specific language in it that deals with how these increases should be spent, particularly with regard to class size. But without those additional monies, without that funding, we will not be able to accomplish our goal, where all the parents, where the teachers, where the administrators, where the chancellor and everybody and anybody who has any interest in the quality of the education of our children in the City of New York have focused their concern.

This budget therefore provides the resources to accomplish that goal. And anyone from the City of New York has no choice but to vote for it.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Padavan.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I certainly appreciated the information that the Majority Leader shared with us earlier on the school district runs. However, I have to say that unlike yesterday, when we received on the same day that we were to vote on the healthcare budget the resolution, on the same date so we at least had a chance to look at them, we actually don't have the school runs to which the Majority Senators were referring. And even though we've requested them, they have not been provided.

So through you, Mr. President, if Senator Johnson would yield, Senator O. Johnson would yield.

ACTING PRESIDENT MARCELLINO: I was going to say, he's right behind you.

Senator Johnson, do you yield for a question?

SENATOR OWEN JOHNSON: Yes,

Mr. President.

ACTING PRESIDENT MARCELLINO: The Senator yields.

SENATOR DUANE: Thank you, Mr. President.

Senator Johnson, I was wondering if you would be willing to provide me, and I would be more than happy to make copies for the rest of my conference, a copy of the school runs to which the leader referred in his comments.

SENATOR OWEN JOHNSON: I don't think we all have copies of our final school runs yet, though we do have some preliminary information.

The City of New York doesn't have school districts in the sense that we do in the suburbs and upstate. You don't pay $10,000 extra a year for your schools on top of your normal income taxes and so on, but we do. It's really almost immaterial to you, because you don't know what school taxes are because they don't amount to a hill of beans in the big picture. But in the unincorporated area outside the city, it's a big burden.

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

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

SENATOR OWEN JOHNSON: Yes.

SENATOR DUANE: I absolutely understand that the New York City run is not available. But as you can imagine, as a conference that represents the entire state, we would be most interested in seeing the other runs.

And so I was wondering if the kind Finance chair would be willing to supply me with a copy of the runs which he does have.

ACTING PRESIDENT MARCELLINO: Senator Duane, if I can -- if we can just ask through Senator Smith of Senator Bruno if there's information that can be exchanged between the two sides, I'm sure that can be arranged between the two leaders.

SENATOR DUANE: Mr. President, I'm sorry, you might have missed what I said before. We actually have requested those runs, and we have not been provided with them.

But, Mr. President, if you could intercede on our behalf to get those runs, I and the members of my conference would be most appreciative of that.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: If I could ask Senator Johnson to yield.

SENATOR OWEN JOHNSON: Yes.

SENATOR SKELOS: Thank you, Senator Johnson.

Without objection, I certainly have the runs. I'm happy to give them to you. And I would urge each and every member of your conference, when they see the increases under the Senate proposal over the Governor's proposal -- because it's very simple. Senator Stewart-Cousins, $9 million more. Senator Oppenheimer, $15 million more. Senator Breslin, $8 million more. Senator Stachowski, $3 million more. Senator Thompson, $7 million more. Senator Klein, $4 million more. Senator Valesky, $3 million more. Senator Craig Johnson, $14 million more.

I think it's very simple that the vote of this conference, of the Democrat minority, should be unanimous, unanimous with the Senate majority in supporting this legislation. Because if it isn't unanimous, then quite honestly I just feel that there are political chicanery going on with your conference.

And I do believe every single one of you should vote with the Senate majority because we've brought regional responsibility to what the Governor proposed. And it shouldn't be a political charade. It should be a message that we understand the needs of every region. And certainly you as one of the leaders, Senator Smith as one of the leaders should be supportive, in particular as it comes to Long Island and the fact that we are now being treated fairly with the traditional share that we've received over the years.

So I'm happy to give you these runs. Use them in good health. And certainly I would urge you as a responsible leader to talk to your conference right now, make them understand that the right way to go is for

every single member of your minority conference to support the majority members, to be unified and to go to Governor Spitzer and say this is the right way to go, that we want to provide a sound, basic education, as Senator Saland said, to every region of the state.

So I urge all of you and I urge Senator Johnson, talk your leaders, get them to support Long Island, the rest of the state. Balance, fairness, the treatment of every single child in the state fairly.

SENATOR DUANE: Mr. President, on the bill.

ACTING PRESIDENT MARCELLINO: Senator Duane, on the bill.

SENATOR DUANE: Thank you, Mr. President. We have just seen one very small step across the aisle, but one tremendous leap in reform, in that now we are sharing this information.

ACTING PRESIDENT MARCELLINO: Does that mean a party vote in the affirmative?

(Laughter.)

ACTING PRESIDENT MARCELLINO: I withdraw the question.

SENATOR DUANE: That is a very loaded question, Mr. President.

SENATOR SKELOS: Senator Duane, if you would yield.

ACTING PRESIDENT MARCELLINO: Senator Duane, would you yield to a question?

SENATOR SKELOS: You know, I was --

SENATOR DUANE: I didn't say yes yet.

SENATOR SKELOS: Well, okay.

SENATOR DUANE: Even though I have not finished, I'm going to break with the new tradition here and yield before I'm finished saying what I was going to say.

I will yield, Mr. President.

ACTING PRESIDENT MARCELLINO: Your courtesy is appreciated, Senator.

SENATOR SKELOS: Senator Duane, I'll be happy to listen to the eloquence of your remarks, and then I will comment as to whether I agree with them or disagree with them.

SENATOR DUANE: That's an even greater challenge, Mr. President.

No, I was just going to say that we're certainly going to take a good look at this. But though, as you may recall, there was a vote already taken on this, and then we without objection allowed there to be -- the bill put on the controversial calendar. But a couple of our members -- actually all of our members had actually voted once on this, and, interestingly, some of them had actually voted with the best of their knowledge, figuring it out without actually having this.

That said, Mr. President, I believe that each and every member is going to vote in the strongest possible way to fight for -- indeed, maybe the better word would be negotiate on behalf of all the school districts in their districts.

But again, Mr. President, I very, very much appreciate having this document. And I look forward to now yielding to a question and look forward to giving an answer.

ACTING PRESIDENT MARCELLINO: Just a point of order. The vote that was

taken, the prior vote was withdrawn, so it was never recorded, so it doesn't exist on any record. Where the floor will be open and when we finish debate, a new vote will be called for.

Senator Skelos.

SENATOR DUANE: Thank you, Mr. President, but I must say it was indelibly imprinted in my brain.

ACTING PRESIDENT MARCELLINO: Well, we can help you with that, Senator.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

Now that you fully understand, Senator Duane, that the roll call has been withdrawn, the runs have been presented to you -- in fact, I think most of them have -- many of the districts have been mentioned, you know what the positive effect is for the City of New York and in fact for all the regions of the state.

You know, sometimes in order to have -- and we heard this many times from the minority in the past -- to have a strong,

effective voice to negotiate with Governor Spitzer and indicate to him that his proposal does not provide a sound, basic education for all the children of New York State, that all of you vote in the affirmative for this legislation, all of you vote in the affirmative for this legislation so that we can send a message, whether you're from Long Island, the City of New York or upstate New York, you want all children treated fairly.

And any other vote other than that would be an indication that if you're from the City of New York and you vote against this, you don't care about the island or you don't care about upstate.

SENATOR DUANE: Thank you, Mr. President. Through you, I will absolutely take the Acting Majority Leader's comments under advisement.

But I do have to say that though I did reasonably well on my SATs, in the brief period I've been holding these in my hands, I -- and because I was so interested in the debate that was going on and listening so

intently to everything that was being said -- including by you, Mr. President -- I was unable to read and digest all 20 pages, six columns across of very, you know -- most of them have six, seven, in some cases eight figures. And I just, though I said indelibly things were imprinted in my brain, this has not yet been printed there.

I will try to get it digested as soon as possible, and I will get back to you on whether or not I'm following the advice that's being so graciously provided.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Duane.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would Senator Duane yield to a question, please.

ACTING PRESIDENT MARCELLINO: Senator Duane, would you yield to Senator DeFrancisco?

SENATOR DUANE: Yes, Mr. President.

SENATOR DeFRANCISCO: You indicated, Senator Duane, that you really

wanted to negotiate school aid on behalf of the students of the State of New York.

With that in mind, assuming that after you've had a chance to read all of these and you find out that these numbers are greater for each district than the numbers that are in the Governor's budget and greater than the numbers that are in the Assembly's budget, would you agree that the best possible negotiating position for this body would be to adopt the Senate's position so that there is more money to negotiate from? Can you answer that?

SENATOR DUANE: Mr. President, in response to the good Senator's question, before I even respond to that I think the answer that I would like to receive is, what was the tremendous fear on the part of the majority in providing us with this document in a more timely manner?

And when I get an answer to that question, I will attempt to respond to the question that was just posed to me.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DUANE: Although, Mr. President, I must say that I think leaving it as a giant leap for reform might be the best way to sort of -- I was going to say chill everyone out, but maybe -- what's the word when everybody sort of just backs down, dials it back a little? Not a moratorium, dial it back. I'm going to stick with -- if we just consider this a moment of tremendous reform, we can all dial it back and continue our -- what I hope will be fruitful, if I may use that word, fruitful discussions on the budget.

(Laughter.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Would Senator Duane yield?

SENATOR DUANE: Yes, Mr. President. I have never yielded so much in my life. But yes, Mr. President.

(Laughter.)

ACTING PRESIDENT MARCELLINO: The chair refuses to go there.

SENATOR SKELOS: If it's

important for the minority to study the runs and for the city members to understand that they're getting $115 million more, Long Island is being treated back to our regional share, no district is being hurt -- if you need a short recess to be convinced to come back to vote with us, we'd be happy to give you a short recess to study them and come back.

And then I'm sure that every single member of the Democrat conference will come back and vote yes and join us in treating every kid in this state fairly.

SENATOR DUANE: Through you, Mr. President, if I may respond.

ACTING PRESIDENT MARCELLINO: Senator Duane, you've got the floor.

SENATOR DUANE: I just have to say that the consequences of receiving this document at such a last-minute moment have made it such that I don't think we would be able to accommodate that request. It wouldn't really work well for our side at this point, but I appreciate the offer.

But I feel like since the train has left the station on this matter right now, in

an effort to keep things moving along in a timely manner, we would prefer if we just keep going through the process that we started. We've had an awful lot of delays as it is today.

Thank you, Mr. President.

SENATOR SKELOS: Mr. President, if Senator Duane would yield.

ACTING PRESIDENT MARCELLINO: Senator Duane, do you continue to yield?

SENATOR DUANE: Yes, Mr. President.

SENATOR SKELOS: Thank you, Senator Duane.

In fairness, then, are you basically saying that if nobody has received these runs and looked at them, if they vote yes they're not being responsible to their constituency? They haven't studied them, they don't know the implications?

SENATOR DUANE: Mr. President, if I may respond, it feels like a very personal question. My colleagues are empowered by their constituents to make decisions on how they vote on a number of factors, and I could

not possibly suppose to be able to answer for all of them at this moment.

In fact, at this exact moment I'm not sure I could even answer for myself. And in my own defense, I'll say because I did better on my verbal SATs, as you can tell, than I did on my math SATs. So it would take me even a little longer to pore through these figures.

And thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Duane.

Any other Senator wishing to be heard on the bill?

Seeing none, the debate is closed.

Can we have the Secretary ring the bells, get everybody back into their seats, please.

And if those of you when we get to the vote who are going to vote negative -- and hopefully there will be none -- but if you will, please hold your hand up so we can count you accurately. When we get there. We're not ready yet.

Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Those of you voting no, please hold your hands up so we can count your votes accurately. If you were in your seats, it would help.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: You know, we had somewhat of the same discussion yesterday, where some members of this body on the other side of the aisle believe that we should negotiate a settlement, negotiate the right amount of money for healthcare, negotiate the right amount of money for school aid.

You know, how do you negotiate if you're taking the lower number and you won't support the higher number?

And some of the sophistry was pretty well demonstrated in the dialogue with the questions of Senator Duane: We don't have

the runs, so how can we make a decision? Well, here's the runs. We can't read them this quickly. Well, we'll take a little delay or a recess. Well, we won't be able to do it because my SATs were better in English than they were in math.

I mean, what nonsense is this? We're adults here. If we're going to negotiate, you don't negotiate from the Governor's budget, because that's the low number. You negotiate from the higher budget number with a better formula for every child in this state.

So try to explain that in a logical way, without trickology, as I learned yesterday. Because that's what we're seeing, and it just doesn't add up.

I vote aye.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco will be recorded in the affirmative.

Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: This document is very interesting. It's not what I

would call a school run, but it's interesting.

And I know that your proposal puts in more money, but it is your proposal. And it's not the budget, it's not the finalized document. I would hope that when we get to the finalized document that you're victorious and this is what we have, and we will all stand up then and vote for it.

But during the budget process, this is your proposal. You know how it affects your districts, you think. I know that even if this was a run, I've been told by my school districts almost every year that we call them and give them the run at budget time, the final run, it doesn't turn out to be accurate and they have to change it, and then it's a different amount of money.

And I'd like to know what my districts get. It's nice that somebody told me twice now, two different people, that I'm getting $3 million more for all my districts. And that would be great, and hopefully that happens. And during the conference committees, and from my perspective, I'll be supporting whatever will get more money into

my districts as long as it fits into the total budget and we don't spend more than we bring in. And that it's balanced and we can show the Governor, when we change anything we change, that it's a balanced budget as he put in, because that's part of the reform package that we all recently voted for.

So with that, I'll be voting no. But I would love to say that I hope that this ends up the final package. If that's the case, then I'll be voting yes when it is the budget.

But to stand here and tell everybody that you're voting against your children because you're not voting for our proposal, when we don't know how it fits into the total package with every other part of the budget, I can't do that. I've got to vote for a sound, balanced budget. I've got to see all the proposals.

I hope that you're successful in the fight, and at that point I'll be happy to stand up and congratulate you and vote for the budget, not for just the one-house Senate proposal.

Thank you. I vote no.

ACTING PRESIDENT MARCELLINO: Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Mr. President, I note that the CUNY and SUNY budgets are not increased as much as the need. And hopefully when we convene the conference committees, we'll be able to resolve some of these differences.

But there are many inadequacies beyond just the lack of information on the school aid run. And the school aid runs, I must say, is a very complicated issue and requires days of research and poring over the numbers.

And for all of these and other reasons, I vote no.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Announce the results, please.

I'm sorry. Senator Robach, to explain his vote.

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

While my SAT score was excellent,

what I pride myself on is good common sense, and hopefully some political savvy of being in touch with the people I have the honor and privilege of representing.

And I'm happy to cast my vote in the affirmative for this proposal for two main reasons. One, I think as we've all worked towards parity -- and I mean everyone, including the Governor -- this proposal now not only just focuses on New York City, but I think collectively we've looked at the issues addressing other parts of the state, other student needs and other high-needs districts, including the one that I have in Rochester, which I think is a very, very good thing and a needy school district as well.

But we went above and beyond that and now added to other districts that I represent, making this very easy for me to support for the money it will bring back, a little bit above and beyond what the Executive proposal was.

But what really makes this the win-win situation -- and in upstate New York, this is critical -- we talk about

accountability, we talk about money, but we also talk about taxes wrapped up in that. And there is no question that the proposal we put forward, and this is the time to vote for it now, if you're from upstate New York, and get this in the negotiation, people want that check back directly to them.

This increases that amount dramatically, it gives them the money. It doesn't blur it, it doesn't hide it. It's like the move "Jerry Maguire." The public is cynical of us. Show me the money. We did that once. Why would we want to take that away?

I am more than happy, in budget negotiations or conference committees -- I'd like to have the meeting directly with the Governor -- I think it would be a terrible mistake to take that out. And so I'm hoping, as my colleague Bill Stachowski said, that that will be in the final version.

But again, I think that it would be more likely if we stood in unison instead of only one side of the aisle supporting that very popular measure that people across the

state have applauded, have liked, and need.

So I'm happy to cast my vote in the affirmative, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Robach.

Senator Seward, to explain his vote.

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

I think it's important to keep it very, very simple. In my mind, the proposal before us, in keeping it simple, it says two important things to me.

Number one, under the proposal before us, every single school district and the children and the teachers in each of those school districts does better than the Governor's proposal.

Number two, under this proposal every single homeowner, a hard-pressed school property taxpayer, does better than under the Governor's proposal.

It's that simple, in my mind. The math adds up for the children, the math adds up for the faculty, the math adds up for the

property taxpayers of this state.

Mr. President, I vote aye.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Seward.

Announce the results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 300 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Hassell-Thompson, Huntley, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Thompson and Valesky.

Absent from voting: Senator C. Kruger.

Ayes, 35. Nays, 25.

ACTING PRESIDENT MARCELLINO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 303, Senate Budget Bill, Senate Print 2107B, an act to amend the Education Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Again, if you would hold your hands high and if you would stay in your seats, that would help the Secretary to count.

Announce the results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 303 are Senator Adams, Breslin, Connor, Diaz, Dilan, Duane, Hassell-Thompson, Huntley, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Thompson and Valesky.

Absent from voting: Senator C. Kruger.

Ayes, 35. Nays, 25.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos, I believe we have some housekeeping we'd like to finish.

SENATOR SKELOS: I believe Senator Lanza has a motion.

ACTING PRESIDENT MARCELLINO: We'll return to motions and resolutions.

Senator Lanza.

SENATOR LANZA: 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 Number 3311.

ACTING PRESIDENT MARCELLINO: So ordered.

Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: The desk is clean.

SENATOR SKELOS: There being none, I move we stand adjourned until Wednesday, March 14th, at 11:00 a.m.

And please recognize Senator Duane.

ACTING PRESIDENT MARCELLINO: Ladies and gentlemen, we're not finished yet.

Senator Duane.

SENATOR DUANE: Thank you,

Mr. President.

There will be an immediate meeting of Minority Budget Committee members immediately after session in Room 315.

ACTING PRESIDENT MARCELLINO: A meeting of the Minority Budget Committee members in Room 315 after session.

The Senate stands adjourned until tomorrow, 11:00 a.m.

(Whereupon, at 4:17 p.m., the Senate adjourned.)