NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 1, 2007

10:02 a.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 MORAHAN: The Senate will come to order.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we do at this time the Pledge of Allegiance to the Flag of America.

ACTING PRESIDENT MORAHAN: Will everyone please rise and join in the Pledge of Allegiance.

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

ACTING PRESIDENT MORAHAN: In the absence of clergy, we will bow our heads for a moment of silence.

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

ACTING PRESIDENT MORAHAN: Reading of the Journal.

THE SECRETARY: In Senate, Saturday, March 31, the Senate met pursuant to adjournment. The Journal of Friday, March 30, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MORAHAN:

Without objection, the Journal stands approved.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Mr. President, that was very well done.

Mr. President, I would move that we stand at ease until this morning at 10:00 a.m. sharp.

ACTING PRESIDENT MORAHAN: The Senate stands at ease until 10:00 a.m. this morning.

SENATOR BRUNO: Thank you.

(Whereupon, at 12:05 a.m., the Senate adjourned.)

(Whereupon, the Senate reconvened at 10:04 a.m.)

THE PRESIDENT: Good morning,

Senator Skelos.

SENATOR SKELOS: Mr. President, I don't know if we're technically in session yet. Yeah, we are.

If we could have an immediate meeting of the Finance Committee.

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

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 10:05 a.m.)

(Whereupon, the Senate reconvened at 10:22 a.m.)

THE PRESIDENT: We will return to reports of standing committees.

Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President.

Returning to reports of standing committees, I believe there's a report from the Finance Committee. I would ask that it be read at this time.

THE PRESIDENT: The Secretary will read.

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

Senate Print 2103D, Senate Budget Bill, an act making appropriations for the support of government;

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

And Senate Print 2110C, Senate Budget Bill, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

All bills ordered direct to third reading.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up the bills reported from Finance.

THE PRESIDENT: The Secretary will read.

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

Senator Bruno.

SENATOR BRUNO: Mr. President, is there a message of necessity at the desk?

THE PRESIDENT: There is.

SENATOR BRUNO: I would move that we accept the message.

THE PRESIDENT: All those in favor of accepting the message please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Padavan, to explain his vote.

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

I'd like to draw attention to one very critical area of this education budget. It's on page 13, beginning at line 18. It

refers to the fact that in the City of New York, we have had a chronic problem of overcrowding, particularly in middle schools and high schools.

The emphasis during this budget negotiation has been, from our perspective, the reduction in class size.

This language specifically directs the City of New York, over a five-year period, to reduce class size in a variety of ways that are specified in the legislation -- better teacher-student ratios, more classrooms, obviously, additional teachers in the classroom, and all other modalities that could be effectively used as directed by the commissioner.

This is a major step forward, Mr. President, and therefore I am voting aye.

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

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 303, Senate Budget Bill, Senate Print 2107C,

an act to amend the Education Law.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Mr. President, is there a message of necessity at the desk?

THE PRESIDENT: There is.

SENATOR BRUNO: I would move we accept that message.

THE PRESIDENT: All those in favor of accepting the message please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

THE SECRETARY: Section 13. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this is the language

portion of the, among other things, education bill. And I would like to say, as the chair of the Senate Education Committee and the chair of the Education Budget Conference Committee, the priorities that we set forth in day one were virtually all addressed in this budget.

We talked about creating no losers to the Governor, providing equity for schoolchildren throughout New York State. Greatly concerned at that time with the Governor's save harmless proposal, which I equated to a flat-line proposal for some 45 percent of the state's school districts. We have better than halved that number, reducing it from 304 to 150 in this budget. It will go to 138 by Year 4, and hopefully in the intervening years we will dramatically reduce that 138.

We kept the promises that we made to school districts with respect to providing special ed, public excess cost aid, that had been severely impeded by the Governor's proposal. We restored tax aids, reorganization operating aid, and we provided

an accountability measure that connected students to outcomes, all enormously of critical importance to students from one tip of New York to another, and certainly to taxpayers.

There is, however, for me, as the chairman of the Senate Education Committee, some disappointment. That disappointment, I understand, can always be found in dealing with a budget. Budgets obviously have a multiplicity of items in them.

But there's one particularly that causes me great personal consternation, and that has to do with the charter school provisions. I have consistently maintained that our charter schools, particularly in so-called independent school districts, work a tremendous hardship amounting to something in the nature of a large unfunded mandate.

I've never been opposed to charter schools. I certainly think they offer the opportunity and competition that has made our nation what it is. It's a difference in philosophy and fiscal prudence.

And for that reason, Mr. President,

based upon the inclusion of this charter school provision, I cannot in good conscience cast my vote in favor of this, notwithstanding the fact that I spent a great deal of time and effort in trying to make this happen.

But I must cast my vote in the negative. Thank you.

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

The Secretary will announce the results.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 305, Senate Budget Bill, Senate Print 2110C, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

THE PRESIDENT: The chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, is there a message of necessity at the desk?

THE PRESIDENT: Yes, there is.

SENATOR BRUNO: I would move that

we at this time accept that message.

THE PRESIDENT: All those in favor of accepting the message please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: All opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

The Secretary will read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

That completes the calendar.

The chair recognizes Senator Malcolm Smith.

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

This morning when I was at service, 7:30 this morning, I was listening to the

minister give his sermon and I was trying to glean a little bit of what he was saying and make some relevance to what we just went through and where we are today. And the theme of his sermon was you have to go through to get to a certain point.

And I thought about all that occurred over these last two weeks -- Joe and the Governor having some very warm words; Joe having some warm expressions about my closeness to the Governor, which was a good thing; some discussion between Shelly and Joe and myself; and the press, and how much the press talked about what they thought we were not doing while in fact we were doing it. And when I say we were doing it, we was doing the people's business.

And what I realize is yes, we did have to go through some things. We did have to have our disagreements. We did have to have some of our concerns raised to a point where others thought one thing was going on, but something else. We did have to actually wait until we got to the point where we recognized there was some need for us to

compromise.

And by going through all that we went through, we got to a certain point. And that certain point is that we will have a $1.3 billion cut in Medicaid, something that the Governor stood for, something that he should be applauded for, because he recognized that there had to be a paradigm shift.

And what has happened with this budget, 400,000 young people will be insured by this budget because we went through to get to this point. You have another 900,000 uninsured people that will now be insured because we went through.

We have a tax cut for businesses, corporate tax cut, manufacturing tax cut, $75 million, because we had to go through to get to this point. Property tax cut, very important to everyone here. Healthcare, a number of restorations for nursing homes, a number of restorations for hospitals, pharmacies. Individuals knowing that they will be able to be taken care of when they go home.

And what did we go through? Each

and every one of these members, each and every single one of them, on both sides of the aisle, worked hard, worked at night. Our office, the conference, our conference had 24-hour service from Monday through Friday. We were there every night, had meetings at 4 o'clock in the morning, 3 o'clock in the morning. Members were coming back at 2 o'clock, 1 o'clock, on the phone, because they had to go through to get to this point.

Get to a point where even I had my father-son discussions with Joe. He was the father; I was the son. But you know what? In father-son discussions, there's growth.

And the growth that we had was where we are right now, a budget that everybody wins. Everybody wins. Everybody goes home, you go back to your district -- Shirley Huntley can go back to her district, Maziarz can go back to his district and talk about what they went through to get to a point where they are delivering goods, services, things for people of their district.

This is a proud day for not only the Legislature, but the Governor, the

Lieutenant Governor sat in that room as well. We had a lot of heated discussions. But at the end of the day, what we went through allowed us to get to a point where we can be proud of what we did today.

So I say to each and every one of my colleagues, to the staff -- and I'm talking about Jeff Lovell, I'm talking about Mortimer Lawrence, I'm talking about the staff people that had to sit there every night and take time away from their families and their homes.

My staff, this side of the aisle, our theme is get no sleep. And they got no sleep. And as a result of getting no sleep, we turned out a budget that everybody can be very proud of.

This is a great day. Not only is it Palm Sunday -- and I raise my palm in respect to everyone here, regardless of religious background. Because this was a moment in which, as they said, he rode through Jerusalem -- unfortunately, it was on a donkey, Joe. He rode through on a donkey.

But this is a day we should be proud. And to the people of this state who

are watching us, as I said before and I'll say it again: Message delivered, message received. And today we took action.

Thank you.

THE PRESIDENT: The chair recognizes Senator Bruno.

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

Senator Smith, thank you for your observations and the kind words that were kind. And thank you for your prayers. And we all need them, as I look around this room, some more than others.

And I will pray with you that the togetherness, the spirit that is represented here by our completing the budget process for the people of New York State -- and that's really what we are all focused on. Sometimes the trip is a little troublesome and there are some bumps. But the important thing is that you get to the end of the road, you get a result. And on behalf of the people of this state, we have served them well.

But to get to the end of the road, Senator and colleagues and Mr. President, we

had to correct some of the pain and suffering that was submitted to us in the budget in healthcare cuts, dramatic, drastic deep. So we had to -- and I'm proud of my colleagues here who took the lead -- we put a cap on the pain and suffering that were in those healthcare cuts by the restorations that took place.

And with education, there was a big move by the Governor to change how education funds are distributed, set a record, a billion-four. We responded to make sure that truly every single student had the opportunity for a sound, basic education. So we fixed what had to be fixed. So you saw an addition of a billion-eight, not a billion-four, and that serves all of the people of this state, and that's why we're here.

You talk about tax cuts. We are the highest-taxed property per household in the United States, 53 percent over the national average. The Senate responded, $2.6 billion in property tax cuts. We, by way of compromise, agreed a billion-three going back to the homeowners, to the taxpayers,

where it belongs. Another $300 million in business tax cuts, denying about $800 million in new taxes, new fees. Critically important.

And in New York City they did extremely well, as did some of the other cities, with the city aid that had been sort of deflected. And we put that back.

So did we do a great job for the people of this state? Yes, we did. Was the journey a little bit arduous, a little bit difficult, a little bit troublesome? Yes, it was.

Accountability, transparency, results. That's what the people want from us. And we have that.

So today is a holy day in most people's lives, a lot of people's lives. There's respect for those that might extend themselves religiously in a different way.

In that spirit, we are going to get back to our constituencies, communicate with our constituencies for two weeks. Some of the press will play it a little differently. But we're going to be there diligently working for the people that send us here to be

representative of their interests because they can't be here.

So be diligent, be conscientious, as you always are, and be safe. And we'll come back when we get back and take up the people's work and continue what we have started and completed here today in a spirit of camaraderie, togetherness, and the spirit that all of us presently enjoy, which is represented here by palms and sanctifying grace.

When I look at you, I see a halo.

(Laughter.)

SENATOR BRUNO: And that will stay there as long as you keep partnering, doing the right things with this Majority. And I got that straight from (gesturing above).

(Laughter.)

SENATOR BRUNO: So, Mr. President, let me -- before I conclude, we thank you for partnering. I want to thank Senator Skelos, our floor leader here, the other leaders that are here with us.

But I need to say a special word

about Jeff Lovell, who joined us, who helped here in budget. Jeff is here, he hasn't slept in three days other than at his desk. He looks very refreshed. He got two hours last night.

And Mike Avella, our new counsel, who partnered with him; Rob Mujica, who backs up and partners in Finance; John McArdle, who is helping direct. Everybody -- and you see many of them here -- up day and night. And you talk about it --

(Commotion at desk.)

SENATOR BRUNO: I wet my pants.

(Laughter.)

SENATOR BRUNO: I am so excited.

So thank you all. I feel very refreshed; I would recommend it.

Thank you, Mr. President. Thank you.

(Laughter; applause.)

SENATOR BRUNO: Mr. President, I move that the Senate stand adjourned until Monday, April 16th, intervening days to be legislative days.

Thank you.

THE PRESIDENT: On motion, the Senate stands adjourned until Monday, April 16th, intervening days being legislative days.

(Whereupon, at 10:41 a.m., the Senate adjourned.)