NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 12, 2008

3:17 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask that we all rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: In the absence of clergy today, I ask that we bow our heads in a moment of silent prayer for our state.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

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

ACTING PRESIDENT GRIFFO: 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 Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Rath, on page 33 I offer the following amendments to Calendar Number 407, Senate Print 2322, and I ask that that bill retain its place on Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received and adopted, and the bill will retain its place on Third Reading Calendar.

SENATOR FARLEY: On behalf of Senator Fuschillo, Mr. President, on page 36 I offer the following amendments to Calendar Number 444, Senate Print 6799, and I ask that that bill retain its place on Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received and adopted, and the bill will retain its place on Third Reading Calendar.

SENATOR FARLEY: Mr. President, as a point of personal privilege, I'd like my colleagues to know that today is the birthday of Senator Andrew Lanza.

Happy birthday.

(Applause.)

ACTING PRESIDENT GRIFFO: Our best wishes, Senator Lanza.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a resolution at the desk, 4663, by Senator LaValle. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator LaValle, Legislative Resolution Number 4663, congratulating the William Floyd High School LifeSmarts Team upon the occasion of qualifying for 2008 New York State LifeSmarts Finals.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is carried.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Finance Committee in the Majority Conference Room.

And if we could stand at ease.

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

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:20 p.m.)

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the

Judiciary Committee in the Majority Conference Room.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Senate Judiciary Committee in the Majority Conference Room.

The Senate stands at ease.

(Whereupon, the Senate reconvened at 3:38 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: Senator Skelos, we have one substitution that will need to be read first.

SENATOR SKELOS: Then if you would please make the substitution at this time.

ACTING PRESIDENT GRIFFO: Thank you, Senator Skelos.

The Secretary will read.

THE SECRETARY: On page 17,

Senator Seward moves to discharge, from the Committee on Insurance, Assembly Bill Number 9883 and substitute it for the identical Senate Bill Number 6655, Third Reading Calendar 143.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will now conduct the reading of the noncontroversial calendar.

THE SECRETARY: Calendar Number 44, by Senator Farley, Senate Print 902A, an act to amend the Public Health Law, in relation to penalties.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 63, by Senator Farley, Senate Print 6457, an

act establishing the task force on retiree health insurance protection.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 143, substituted earlier by Member of the Assembly Morelle, Assembly Print Number 9883, an act to amend Chapter 340 of the Laws of 2005, amending the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 225, by Senator Maltese, Senate Print 6331A, an act to amend the General Municipal Law, in relation to annual statements.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 291, by Senator Larkin, Senate Print 3898, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to hearings.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 396, by Senator Skelos, Senate Print 1772A, an act to amend the Correction Law, in relation to maintenance of information.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 404, by Senator Saland, Senate Print 4693, an act to amend the Criminal Procedure Law, in relation to determining.

ACTING PRESIDENT GRIFFO: Read

the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 415, by Senator Rath, Senate Print 1761, an act to amend the Penal Law, in relation to establishing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 416, by Senator Volker, Senate Print 1977A, an act to amend the Criminal Procedure Law, in relation to receiving.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 417, by Senator Golden, Senate Print 2034, an act to amend the Penal Law, in relation to endangering the welfare of a child.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 421, by Senator DeFrancisco, Senate Print 3077, an act to amend the Penal Law, in relation to creating.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 428, by Senator Leibell, Senate Print 5986, an act to amend the Criminal Procedure Law, in

relation to issuance.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 446, by Senator Saland, Senate Print 1466, an act to amend the Education Law, in relation to voting procedures.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 447, by Senator Fuschillo, Senate Print 1543, an act to amend the Education Law, in relation to the transportation of children.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR SKELOS: If we could just wait one minute.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees and take up the report of the Judiciary Committee at this time.

ACTING PRESIDENT GRIFFO: Reports

of standing committees.

The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Judiciary, reports the following bill direct to third reading:

Senate Print 7134, by Senator Bruno, Concurrent Resolution of the Senate and Assembly proposing an amendment to Article 7 of the Constitution.

ACTING PRESIDENT GRIFFO: Ordered direct to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Concurrent Resolution 7134 at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 560, by Senator Bruno, Senate Print 7134, Concurrent Resolution of the Senate and Assembly proposing an amendment to Article 7 of the Constitution.

ACTING PRESIDENT GRIFFO: On the resolution, all in favor signify by saying

aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO:

Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 560, ayes, 59. Nays, 0.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

SENATOR MONTGOMERY: What was that? Mr. President, what was that?

SENATOR DUANE: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On a rather confusing and complicated day, I think that we were under the impression that that was a report on that resolution. Can you please clarify what that was?

And if not, I think we'd like to withdraw the roll call.

ACTING PRESIDENT GRIFFO: The committee report was received and adopted, and then the question was on the concurrent resolution, Senator Duane.

But you're making a request for reconsideration?

SENATOR DUANE: Yes, Mr. President, I would make that request.

ACTING PRESIDENT GRIFFO: Can we have order in the chamber.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Can we at this time reconsider the vote on Calendar 560.

ACTING PRESIDENT GRIFFO: On Calendar 560, the Secretary will read.

THE SECRETARY: Calendar Number 560, by Senator Bruno, Senate Print 7134, Concurrent Resolution of the Senate and Assembly.

ACTING PRESIDENT GRIFFO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: On Resolution 7134, the resolution is under reconsideration and will be laid aside.

The Secretary will now read Concurrent Resolution 7134.

THE SECRETARY: Calendar Number 560, by Senator Bruno, Senate Print 7134, Concurrent Resolution of the Senate and Assembly proposing an amendment to Article 7 of the Constitution.

ACTING PRESIDENT GRIFFO: The question is on the concurrent resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT GRIFFO: Please raise your hand.

THE SECRETARY: Those recorded in the negative on Calendar Number 560 are Senators Adams, Breslin, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, L. Krueger, Montgomery, Onorato, Parker,

Perkins, Sabini, Sampson, Schneiderman, Serrano, Smith, Stachowski, Stavisky and Thompson.

Ayes, 40. Nays, 21.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up the report of the Finance Committee.

ACTING PRESIDENT GRIFFO: The Secretary will read the report of the Finance Committee.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance, offers the following report:

By Senator Bruno, Concurrent Resolution Number 4655;

And direct to third reading, Senate Print 6802A, Senate Budget Bill, an act making appropriations for the legal requirements.

ACTING PRESIDENT GRIFFO: Ordered direct to third reading.

Senator Bruno.

SENATOR BRUNO: Mr. President, at

this time can we take up Calendar Number 559.

ACTING PRESIDENT GRIFFO: The Secretary will read Calendar Number 559.

THE SECRETARY: Calendar Number 559, Senate Budget Bill, Senate Print 6802A, an act making appropriations for the legal requirements of the state debt service.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Budget Resolution 4655.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution 4655, adopting a budget

resolution proposing amendments to the 2008-2009 Executive Budget submission.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: The resolution is laid aside.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bruno.

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

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

SENATOR BRUNO: And if we can take up Resolution 4655.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 4655, adopting a budget resolution proposing amendments to the 2008-2009 Executive Budget submission.

SENATOR DUANE: Explanation.

SENATOR BRUNO: This is the budget resolution that we are proposing for

Senate adoption. The Assembly will be passing their budget bill or resolution. And we will formally get engaged in conference committees as of tomorrow, but more Monday, by committee.

So in this resolution that's before us, in the overall budget submission by the Governor we are, overall, spending slightly under, $13 million or so under.

We take out all of the tax increases and fee increases that the Governor's budget proposes, that's about $1.7 billion, recognizing that the Governor had said no new taxes on the people of this state. We eliminate that in this budget.

At the same time, we add about $545 million to school aid, taking that number up to about $2 billion, a 10 percent increase over last year, which is a record.

Why is that necessary? Because in the Governor's budget proposal he totally distorts the distribution of education funds with the Island, with the City, and with upstate. So we have to add dollars to fix that.

We restore the cuts to CUNY that

the Governor made, we restore the cuts to the community colleges, I think it's $50 per student.

We restore $319 million of property tax rebates to seniors, middle income and low income, that the Governor took out of present law. So if you vote against that, you are voting against the seniors out there who $319 million is better spent with them than in other ways.

So that's a very broad view of what we're doing. But what's important for us to know is we're not over the $124 billion, we're taking all the tax increases and fees out, giving the seniors back a property tax rebate, and restoring the cuts in education, higher ed: CUNY, SUNY and community colleges.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bruno.

SENATOR BRUNO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. Just to explain my vote.

I can appreciate the issues that

Senator Bruno has raised on the floor today in terms of how we want to not create new taxation for residents of the state.

And certainly as someone who was an attendee of the CUNY system and who has encouraged both CUNY and SUNY schools in order to ensure that we educate the children of the State of New York, also looking at the issues of healthcare, looking at the restorations that have been made in those areas, it would seem contradictory for me to vote against this resolution.

But the major concern that I have is that -- two steps. First is the process, the timeliness with which the Senate Minority had the opportunity to explore these budgetary concerns and to be able to agree, as some others have, that this is the best possible remedy for us to explore.

And the second piece is certainly this budget does not satisfactorily, for my benefit, explain how we're going to be able to pay for many of the restorations that have been recommended.

So therefore, at this time I will

be voting no on this resolution.

Thank you, Mr. President.

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

Just as a point of clarification, we are on the controversial debate of the resolution.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If through you the sponsor would yield to a question.

ACTING PRESIDENT GRIFFO: Senator Bruno, would you yield for a question?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

When did this bill arrive on our desks?

SENATOR BRUNO: I don't have an answer to that.

When did it arrive, do we know? Last night?

Last night, Senator.

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

ACTING PRESIDENT GRIFFO: Senator Bruno?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

That was last night after we had left the building and the doors were locked? I'm going to take a leap that the doors were locked to the Senate last night.

SENATOR BRUNO: Not to my knowledge. But I don't lock the doors, and I don't keep track of when they do.

(Laughter.)

SENATOR LIZ KRUEGER: Fair enough. I've seen them locked, and you're right, you do not lock the doors.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If through you the sponsor

would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Bruno, would you continue to yield?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: When I looked on the computer today for the budget revision for the Senate Republicans changing the entire budget of the State of New York, I found one page. Not even the 50 pages that, in theory, were here on my desk last night. But I'm not sure I had access to my desk last night. I'm pretty sure 19 million New Yorkers did not.

Is it normal practice that we move a budget document with the public seeing one page and then our being asked to vote for it on the same day that even a small number of us have seen all 50 pages?

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Mr. President and

Senator, I'm being informed that the staff, by 7 o'clock last night, all the people that support us here, had all the information that's before us.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Bruno?

SENATOR BRUNO: Yes.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: To clarify my question, for the 19 million New Yorkers minus the staff of the Senate, is it correct that when they went online today to try to get information about this budget resolution, only one page, the introductory page, was the only thing available in our computer system available to the public to see?

SENATOR BRUNO: I'm told, Mr. President, that that's the procedure that's normally followed by the Senate and by the Assembly.

This document is how many pages?

It's a lot, hundreds of pages. So that's typical. That's usually what happens.

And, Senator, you have voted on budgets before in a same time frame.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Bruno, do you choose to continue to yield?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I'm not sure what normal is in this town, to be honest, or in this building. But in the six years that I've been here, even though it is true we've had a shorter timeline for budget documents than what I think the public expects of us, this is my first experience with a budget resolution, as opposed to budget bills, and less than three days' timeline.

Of course, we're not discussing

messages of necessity, because this is a one-house budget resolution.

But again, I'm not familiar with it being normal for the public to have zero access to a budget resolution being brought to the floor for a vote on the same day that most Senators have seen it for the first time.

So I'd like the Senator to clarify what's normal about this or when else we've done it this way.

ACTING PRESIDENT GRIFFO: What is your question, Senator Krueger?

SENATOR LIZ KRUEGER: My question is, when else have we done a budget resolution under a one-day timeline with absolutely no access by the public to the proposal?

SENATOR BRUNO: If you review time frames, Mr. President and colleagues, over the last 10 years you will see that it's been more typical than not, given all the work that goes into preparing a budget.

And a lot of pieces of what's here have been out there. The rebate for seniors, been out there since last year. That's part of present law. Education has been out there

since the Governor proposed his budget, so you could have reviewed the deficiencies in the education format.

But, Mr. President and Senators, we can be here for as many hours as you'd like talking procedure. The fact of the matter is we have a resolution on the floor before us. And if you want to be supportive of eliminating $1.7 billion in taxes and fee increases, you ought to step up. If you want to give $540 million more in education, you ought to step up. If you want to give back $319 million to seniors who desperately need it to pay their property taxes, you ought to step up. If you want to return the money to CUNY, SUNY, community colleges, then you ought to step up.

Now, if you want to spin our wheels here talking about procedure, be my guest. That's what, you know, this is all about.

But I would suggest, Mr. President, and to you, our time would be more productively spent talking the merits of the legislation and the resolution that's before us. Because until we pass this resolution --

and the Assembly is passing theirs -- by law, conference committees that are established to take place don't happen.

So if you want to follow the law that you all voted for last year in budget reform, that's what is before us here to start this procedure.

Now, I know that it gets rather difficult to sometimes vote against these things that are just so important to your constituents. And to yours. And to yours. Very difficult to vote against them.

So I would encourage you to vote for what's before us, and let's get on with the process and let's get into a public discussion and debate on all of the issues that we will be accountable for, through conference committees, starting Monday.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bruno.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. I appreciate the sponsor's comments. I will speak on the budget

resolution.

ACTING PRESIDENT GRIFFO: On the resolution.

SENATOR LIZ KRUEGER: I appreciate the sponsor's answer that it's not a budget bill and that he is suggesting that this is a beginning point in some way to start the actual process of a public discussion about a budget.

And he references the budget conference committees, which I look forward to participating in fully, and hope that in the budget conference committees will be a full discussion of what is currently a $124 billion proposed budget.

And if I understand the sponsor correctly, he's not significantly changing the bottom line of the $124 billion number. Although since he's cutting out quite a bit of the new revenue projected and he's actually proposing some increases, I look forward to learning where the money is coming from because there is no way to learn where the money is coming from for a balanced budget in this 50-page resolution which none of the

19 million New Yorkers have had a chance to look at.

I do take the budget process very seriously. I would argue it is our most important function up here as a Legislature, and in fact have argued for years that because it is such an important process, that any budget bill should actually be on our desk for 10 days rather than the three days mandated for regular bills.

Of course, this isn't a bill. It's not a budget. It's not even technically a full budget proposal. It's a wish list that may or may not add up. Because, unfortunately, there are not dollars and cents attached to this like a real budget bill, where we can see whether in fact it is a balanced budget, whether or not we're being asked to violate our constitutional obligation in voting for this bill to move towards a balanced budget.

The Senator raises some examples of what he thinks are good in his document, and says that we should stand up. I think I would like to sit down when it comes to the

$300 million cuts in affordable housing that are not in this budget resolution. I think I would like to sit down when it comes to the fact that it doesn't address the Medicaid funding realities that we are facing in tough times and that it does not address the bad debt and charity pool.

I think I do not agree with the Senator's analysis that this is a good budget for public education. In fact, my minimal reading of the 50 pages -- at least I have the 50 pages; most people do not -- does not show that this is a budget that is good for public education. And I don't think I agree that it's a good budget proposal for seniors as well.

So we do disagree, Senator. And we're entitled to disagree. But I think on behalf of the people of New York State and good government, and the commitment we did make in budget reform legislation last year, that it is not acceptable budget practice to put out one piece of paper on a Tuesday night, bring a bill to the floor for a vote on a Wednesday afternoon where the staff of our

offices perhaps got the 50 pages last night, the people of New York State have had no time to see any of the proposals -- and in fact, if they were to see some of the proposals, I suspect they would have the same question I have: What does it mean to have a one-sentence proposal with no dollar figure attached and no explanation of what it would mean or when it would be implemented or how we would pay for it?

So I do think that I take the budget very seriously and my responsibility in having a vote on the budget very seriously. What I don't accept is that this is a serious budget document. This is a one-house press release that has a wish list of everything that some members of this conference hope would take place in New York State.

There are many things in here that I'm sure I agree with. There are many things that I'm quite sure I don't agree with. What I am very confident of is this is not the way you pretend to do a budget in the State of New York in the 21st century.

We have serious problems, we have a

serious economic gap. We are in a recession in this country and in this state. And I frankly find it, on behalf of my constituents, insulting that rather than dealing with the real budget and the real problems at hand, we're having a theater afternoon.

Thank you, Mr. President. I will be voting no during the vote period.

ACTING PRESIDENT GRIFFO: Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President. On the bill.

I happen to agree that Senator Bruno is right and everything that everybody wants back in is in. No fees, no taxes, no increases. The problem we're having is in all the information that we've got so far from your guys -- and actually, he's just slightly off. I think we got the stuff at about 7:30 last night, I want to share that with everybody. The staff did, at least, and started working on it.

However, we don't have the numbers yet that show us how you actually spend less money than the Governor does. And that's

troublesome because, as everyone knows, this side of the aisle is under tremendous scrutiny to see how we're going to react in different kinds of situations and how we would be perceived if we were ever put in a leadership spot for real and how would we react to that and what would be the end result.

And the problem I'm having is I love the idea of giving the seniors their rebate check against this year. Everybody likes that. And I like the put-backs to education, because we're taking your word -- because there's no school runs, so we're taking your word that all the money goes where it's supposed to go. And districts in my area will all be happy because they'll get an increase.

And I'm a big supporter of SUNY and also CUNY, because they do a good job in the City, and I'd like to see those cuts also replaced. And all the other places that money is put back.

But the problem I'm having, knowing that I'm under tremendous scrutiny, particularly because I happen to have the job

of being ranker on Finance, is I'm not quite sure that we're really paying for all this.

And it's hard for me to stand up and support -- even though it's only a budget resolution. And I can argue against anybody who can put a piece out and say, you know, he voted against this increase in school education and he voted against this. And the fact is, a budget resolution is just a resolution. It just gets the process going.

And I'll be among all those supporting all these put-backs if we can actually show how we pay for it. And during all the conference committees -- and I get the joy of backing up everybody, so I'll be at all of them saying we should be doing all these put-backs, just make sure at that one committee where we've got to show how we pay for them, we can pay for them.

And I'd be happy to say we can pay for them without any of these increases -- more supportive than anybody, because I'm a very conservative person. So the fact is I would be all yahoo for this whole package if we had the numbers that showed us how you pay

for it. And we haven't yet gotten that.

So until we get that, I can't in good conscience stand up, knowing everybody is watching what we're doing, and trying to be responsible in our role as legislators -- and particularly in my role as ranker on Finance, I'm supposed to be very responsible and balance the numbers. And since my staff guys tell me we haven't gotten those numbers yet, not specifically -- we've got ballpark figures, but, you know, ballpark figures, I like to do my checkbook in ballpark figures. And for a while, I used to, and then I got better at it.

(Laughter.)

SENATOR STACHOWSKI: But the fact is that I love the put-backs. And we'll be supporting as many as we can, as long as we have the finances to do them.

So because of those reasons -- and I want to see this process move along, so I'm glad that we're taking this up. And the fact is we didn't have budget bills in this house ready in time, so that we have no choice but to do it this way.

So until we can show how we pay for it, I'm not going to be able to support this. But I'm glad to see that the issue is going on. So I'm probably going to be voting in the negative when that time comes.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

If the sponsor could -- I can't imagine anything more pleasurable than speaking with our leader, Senator Malcolm Smith, but if --

SENATOR BRUNO: I can.

(Laughter.)

SENATOR SCHNEIDERMAN: -- the sponsor would spare just a moment.

You can? As demonstrated by this document, sir, you are a very imaginative fellow. You're a very imaginative fellow, Senator Bruno.

SENATOR BRUNO: Thank you.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: If the sponsor would yield for one question.

ACTING PRESIDENT GRIFFO: Senator Bruno, will you yield for one question?

SENATOR BRUNO: One question, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. It has eight parts.

(Laughter.)

SENATOR SCHNEIDERMAN: No, it doesn't.

SENATOR BRUNO: Typical.

SENATOR SCHNEIDERMAN: You have enumerated several facts which I don't quite understand in the context of this resolution.

You say that this resolution eliminates $1.7 billion in fees and taxes that the Executive Budget proposed, and yet it restores $545 million in school aid, $319 million in property tax rebates and other sums, but it still comes out at very slightly less than the Executive Budget.

What is being cut? What are you

cutting from the Executive Budget, if you could please enumerate the largest items, in order to make sure that happens?

SENATOR BRUNO: The largest items, Senator, are a 3 percent cut across the board. That's about $300 million. Another $600 million in cuts. And we eliminated a lot of the new programs that the Governor proposed where there was no plausible explanation as to how the money was going to be used.

So I think that was a billion-four or something that we moved around.

SENATOR SCHNEIDERMAN: I realize I said one question.

Just to clarify, a 3 percent cut across the board of what?

SENATOR BRUNO: Of the state agencies.

SENATOR SCHNEIDERMAN: Of all state agencies?

SENATOR BRUNO: Yes.

SENATOR SCHNEIDERMAN: Thank you. I'd like to thank the sponsor for his answers, and I'd like to speak on the resolution.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Bruno.

Senator Schneiderman, on the resolution.

SENATOR SCHNEIDERMAN: I must admit that I've seen a lot of strange things since I've been in Albany. But this document is one of the most bizarre items ever to come across my desk.

I arrived here and I looked at it and my first reaction was, oh, Senator Huntley left her copy of The Onion on my desk, and this is a parody. But no, it wasn't that.

Then I thought: Wait, is it April 1st? Then I thought no, it's not April Fool's Day.

This is a document where, to the extent there are numbers, they don't add up. This is not, I would suggest, ladies and gentlemen, what it purports to be in any way, shape or form.

It says that it's a report of the Senate Finance Committee. Senator Stachowski, the other members of the Finance Committee who are on our side of the aisle, they haven't been included in this. The Senate Finance

Committee does still include Democrats. They weren't involved in this report. This is not a report of the Senate Finance Committee.

This is not a budget resolution in the sense that we all know, whether resolution or bills. By law, our budget has to add up. The spending and the revenue has to balance. It doesn't here.

And I would suggest, ladies and gentlemen, that in a period of time in which the credibility of our state government has taken a lot of hits, we don't need to be adding to the public cynicism about the lack of transparency, democracy and efficacy in Albany by putting out a budget resolution that doesn't add up.

So we're pretending that we're restoring cuts. We don't tell people how we pay for it. We're pretending that we can cut $1.7 billion in fees and taxes and make up for it with a 3 percent cut across the board in agency funding. Well, that's something we could debate at great length. Who is hurt by that? Where does it show up? You can't tell in here. And does that even add up? I don't

have the numbers.

Our staff, far more sophisticated and knowledgeable than I, have reviewed this document. You cannot tell, by looking at the document we're voting on today, where the money comes from. And it certainly does not appear, from looking at it -- there's no evidence in this document that it actually adds up to the total amount of money you are now claiming we're spending.

This is not a budget resolution. This is -- I suppose this could be some sort of a draft of a budget resolution. But if a student submitted it to me, I think they'd probably get a D.

This does not answer the questions of the people of the State of New York. Forget about the bad public policy -- the lack of brownfield reform, the cuts to affordable housing. Forget about the bad public policy that this breaches the most important commitment we made last year to the people of the State of New York, that we would fund good schools in every community.

Fifteen years ago the school board

in my neighborhood, in Washington Heights, started the Campaign for Fiscal Equity case because they were sick of overcrowded classrooms, lack of books and equipment, undertrained teachers, and students graduating from the 12th grade with a 8th grade reading level. They litigated it, and last year we said to them, as a government, we're finally going to come through, we're going to make sure there's a good school in every community. This breaches that promise.

I'm not even that agitated about it because it is such an absurd document that I don't really take it seriously. So I'm urging everyone not to worry about what it says, because I don't think it's really, honestly, worth the paper it's printed on.

I think anyone here who's a serious, principled fiscal conservative should vote against it because it's a sham, should vote against it because it doesn't add up, should vote against it because it is a fundamentally dishonest piece of work that pretends to people in the State of New York that they're getting money for school aid or

for property tax rebates --

ACTING PRESIDENT GRIFFO: Senator Saland, why do you rise?

SENATOR SCHNEIDERMAN: -- that they are not getting --

SENATOR SALAND: Would he yield?

ACTING PRESIDENT GRIFFO: Senator Schneiderman --

SENATOR SCHNEIDERMAN: I would be glad to yield as soon as I'm done. I always enjoy colloquy with Senator Saland.

So Senator Bruno said we ought to step up. I agree we ought to step up. We ought to step up and stand for honesty and integrity in the budget process.

There's no reason we had to get this late last night. There's no reason we haven't had a chance to review this. Maybe just because it's such a shoddy piece of work, its authors did not want it to have to withstand the scrutiny. Well, we've given it enough scrutiny to reject it.

I urge everyone on both sides of the aisle to reject this. We've got to restore public credibility for this

institution and for the state government. This is the last thing we need under the current circumstances. I urge everyone to vote no.

And I'll be glad to take a question from my esteemed colleague from Mylan [ph].

ACTING PRESIDENT GRIFFO: Senator Saland.

SENATOR SALAND: Thank you, Senator Schneiderman.

Senator Schneiderman, I'm just going to focus in on your comments with regard to the education portion of the budget. And I might ask you if you could recall back to last year when we adopted the foundation formula. And at that time I think it was much ballyhooed in all quarters --

SENATOR SCHNEIDERMAN: I'm sorry?

SENATOR SALAND: I said I think it was well received, much ballyhooed in all quarters as being -- I think the way it was described was fair, transparent, and predictable. And I'm not exactly sure that that foundation formula that we saw last year is the foundation formula that we saw this

year.

And I would ask you whether you could describe for me the differences between last year's version of the foundation formula and this year's foundation formula as proposed, and what were the policy issues that might have driven the changes in that formula.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: You mean as proposed by the Executive?

SENATOR SALAND: As proposed by Governor Spitzer, correct.

SENATOR SCHNEIDERMAN: Thank you. I'm not going to drag this out. And I understand that this is something that we are going to have time to discuss after, I assume, the Majority passes this and we get on with actual budget negotiations.

I personally do not agree with the proposal by the Executive when it comes to this. I think that in and of itself, the Executive Budget did not fulfill the promise for the high-needs school districts in poor communities such as the ones in my district.

But I will say this. This does not provide more funding for high-needs school districts. If anything -- you can't tell, because the numbers don't add up -- it appears that more funds are being allocated to lower-needs school districts. That, I think, is adding insult to injury.

I think we should be restoring the funds to the formula that was proposed last year that we promised the people of the State of New York -- we promised, frankly, the plaintiffs in the case. Because this is by way of settling a case. This is not just, you know, sort of casual Albany promises. This is something that was done to settle the litigation.

I think we have to return to that formula. The Governor took a step in the wrong direction with the Executive Budget. This takes another step in the wrong direction.

And -- oh, sorry. Ah. He did? If I might pause -- finish with a question. Did my esteemed colleague vote for the education budget last year?

SENATOR SALAND: No, I did not.

ACTING PRESIDENT GRIFFO: Senator Schneiderman, a question is being asked of you now.

SENATOR SALAND: No, I spent a considerable amount of time reshaping the budget. But you may recall there was an issue about charter schools, an issue which stuck in many people's craws. It stuck in my craw perhaps far worse than it did others'.

And as a matter of principle, despite all the good things we did in that budget, I couldn't see fit to swallow that hard on charter schools. Others may have felt they had to.

SENATOR SCHNEIDERMAN: Thank you.

ACTING PRESIDENT GRIFFO: Senator Lanza, why do you rise?

SENATOR SCHNEIDERMAN: Mr. President --

ACTING PRESIDENT GRIFFO: Senator Lanza rises. Why do you rise, Senator Lanza?

SENATOR SALAND: May I continue?

ACTING PRESIDENT GRIFFO: Senator Lanza, why do you rise?

SENATOR LANZA: I'll defer to Senator Saland.

ACTING PRESIDENT GRIFFO: Senator Saland.

SENATOR SALAND: Senator Schneiderman, I greatly appreciate your comments. And perhaps I might add a little bit of reality to them.

First, this budget resolution proposes not to decrease any funding to the City of New York but in fact increase that funding to the City of New York. There are significant additional dollars that would go to the City of New York, including, if you take a look at the resolution, provision for something called educational improvement grants, which would add to the funds that the Governor provided by somewhere in the area of $120 million in that item alone. And that's without changes in the foundation aid portion of the formula.

Let me -- well, you have the floor, Senator Schneiderman, so I really can't -- I would merely suggest to you that contrary to what we all thought had occurred with the

adoption of last year's budget, when the revised data became available in November of this past year, what the Governor had told us he would be doing this year sort of fell by the wayside. And it was driven by a formula. It was the foundation formula -- the clear, fair, predictable foundation formula.

And the desired result would have really caused enormous pain to the City of New York because what had happened was the city's wealth had increased significantly over the preceding year, as a result of which that clear, fair, predictable formula would have required that the city not get as much of the increase as it had hoped to get and as the Governor had hoped to provide it.

And the sole purpose of my raising that point is the very things that so many people railed against and found to be horrific in the prior system, with the variety of formulae, was not to back into a result.

The Governor basically decided that in order to drive additional dollars to the City of New York, he was going to have to take money from the rest of the state. And very

sadly, that's what the Governor did.

And there's nobody on this side of the aisle who begrudges that additional money to the City of New York. And there's nobody on this side of the aisle who doesn't want to give yet additional money to the City of New York. But what we do --

SENATOR SCHNEIDERMAN: Can I get a question? Is there a question?

I'm just trying to move this along. I'm happy to take a question. But if he wants to speak on the bill, I'm happy to let him do that later also.

ACTING PRESIDENT GRIFFO: I believe there was a counter-question both ways.

But, Senator Saland, if you would like to --

SENATOR SALAND: I'll conclude my comments with a question.

I think what everybody on this side of the aisle feels, regardless of their geography, is that it was, to say the least, unfair, insensitive and beyond the capacity of any of us to accept that we would stand by

idly and let the Governor reorder the foundation formula in such a fashion as to prejudice countless districts in the rest of the state.

And to you I would say, Senator Schneiderman, that if you can find from this resolution where the City of New York has seen its aid reduced by any amount of money, please feel free to point out where that might be.

SENATOR SCHNEIDERMAN: Thank you.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: In response -- and then I will conclude, because I know the hour is late and people want to get on with things -- there are many things I can't find in here. I don't think there's any question that there are some increases. The question in school aid is always what is the amount of the increase, what are the proportions of the increase, and where are the increases going.

I would urge my colleagues that if we're going to solve the problems of the state, we have to go to Senator Smith's theme

of "One New York." It is absolutely false that the Governor directed money to the City of New York and took it from everywhere else in the state. He directed money to high-needs districts, which include places like Syracuse, Rochester, Yonkers, Buffalo.

The City of New York is a part of the state, we're happy to pay our fair share. We currently pay about $12 billion a year more into the state than we get back. But every child in every community -- rural poor districts, urban poor districts -- deserves a sound, basic education. That's a constitutional requirement that we violated for years.

Last year the Governor said "I'm going to meet my obligations." This year his proposal did include a 5 percent increase for high-needs school districts in order to fulfill that promise. That is something that the Senate is attempting to back away from.

And I would urge my colleagues, as we debate this, let's not get into this divisiveness of the City of New York, upstate, Western New York, the suburbs. One state,

good schools in every community.

This resolution, in addition to every other problem -- that it doesn't add up, that it's not a report of the Finance Committee --

ACTING PRESIDENT GRIFFO: Senator Robach, why do you rise?

SENATOR ROBACH: Would Senator Schneiderman yield for a question?

SENATOR SCHNEIDERMAN: Actually, I'd like to just finish my comments, Mr. President.

This budget, in addition to all the other problems I've noted, absolutely breaks the promise to high-needs school districts, including those in Rochester. I vote no. I urge everyone to vote no.

I love to debate with my colleagues, but in the interest of moving things along -- and there are so many of them on their feet now --

ACTING PRESIDENT GRIFFO: Senator Schneiderman, we have a number of requests for you to yield for questions.

SENATOR SCHNEIDERMAN: I think

I'm going to pass on that at this point, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Schneiderman refuses to answer questions.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Let me just pose this question rhetorically, and you can answer it at your convenience, Senator Schneiderman.

I would like you to stand up at some point and tell every one of your colleagues on both sides of the aisle that under present law, the law that we adopted when we passed the budget last year, that in fact $192 million, close to $200 million which would have gone to districts throughout the state, districts outside of the City of New York, was not redirected to the City of New York under the Governor's formula.

And again, that's not to say the city doesn't need the money and that we should not provide the money. But why take it from districts that desperately need it?

And, Senator Schneiderman, when you

take a look at the save-harmless districts, I will show you dozens of districts that are poorer than the City of New York, districts with wealth ratios that start off with .5, .6, .7. And the Governor threw more of them onto save-harmless when he pulled that money out of the rest of the state, the very poor and high-needs districts that you profess to be concerned about.

Feel free, when you have the time. I'll stand up and admit I'm wrong. I hope you're man enough to stand up and admit that you're wrong.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Mr. President, I would have hoped that we continue to debate the issues and not resort to personal attacks. And I think that's perhaps one of the problems with this -- I can't call it a budget bill. The several-hundred -- the wish list, whatever you want to call it.

My problem, though, is more with the process as has been described here. One of the real problems is that it's not broken

down, so we have to vote on each item in the whole. In other words, we don't get the option to pick and choose. This is an all-or-nothing -- accept it all, reject it all. We can't vote the way we normally do on a budget, the eight or nine budget bills with the accompanying Article 7 explanations. Instead, this is an all-or-nothing bill, which I think is a mistake.

I was listening very carefully to Senator Bruno. And nobody wants to cut aid for senior citizens, nobody wants to take away property tax reductions. At the same time, we want to be sure that every child -- whether that child lives in Oswego or Jamestown or Staten Island, every child is entitled to a sound, basic education. And unfortunately, this -- whatever you want to call it, this document does not do that.

Instead, we're starting to pit one group against another. And I think that is a very, very unfortunate approach, to pit older Americans against young children. Nobody benefits. It doesn't fit in with the idea that we are one state.

And the state -- quite frankly, now we are facing very unusual circumstances. We are almost in a crisis. And yet we are here today to debate the bills -- not each other, but the bill, to discuss the merits of whether it is good for all of the people in our state, not just one particular area.

The lack of transparency is a problem to me. And also the concept that we've got to be able to start to return our state to the sense of integrity that seems to be lacking, the lack of confidence that people seem to have. I think we've got to put aside our differences and work --

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

SENATOR SKELOS: Will Senator Stavisky yield for a question.

ACTING PRESIDENT GRIFFO: Senator Stavisky, will you yield for a question?

SENATOR STAVISKY: Yes, sir.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Senator Stavisky, you indicated that with this budget

resolution that we're attempting to pit one side of the state against another side of the state, seniors against the young, and we're one state. And I understand that. All right? I truly understand that.

But how are we doing that when we're adding $540 million more in education aid so that all regions of the state can be treated fairly? Fairly. How are we doing that when we're adding $319 million more in property tax relief for individuals?

So I just can't get it through my head how we're hurting seniors, how we're hurting young people, how we're hurting the city, how we're hurting upstate, how we're hurting the Island when we're doing all these positive things.

Now, my suggestion is if you think it's horrible, if Senator Schneiderman's comments about the resolution -- it's terrible, it's wrong -- then I would urge all members of the Minority, vote against it. Every single one of you. If you're people of courage and you believe that we're wrong, vote against it. Vote against adding the rebate

money. Vote against adding aid to education that helps all school districts throughout the state, especially how Senator Saland mentions many of the low-wealth districts that are struggling and hurting in upstate New York.

So again, if you all believe you should be voting against it, if this is horrible and this is the wrong way to go, we urge every single one of you --

SENATOR STAVISKY: Is there a question? Mr. President, is there a --

SENATOR SKELOS: My question was very simple. How does this hurt the people of the State of New York when we're looking -- when the people are crying out for property tax relief?

SENATOR STAVISKY: My response is very simple. Cutting the budget by 3 percent is not helping people throughout the state.

But perhaps you can answer a question for me, if the Senator would yield.

ACTING PRESIDENT GRIFFO: Senator Skelos, do you choose to yield?

SENATOR SKELOS: Sure.

ACTING PRESIDENT GRIFFO: Senator

Stavisky.

SENATOR STAVISKY: What funding is going in school aid to, let's say, parts of Nassau County such as Rockville Centre?

SENATOR SKELOS: I think that Senator Bruno indicated, number one, where the money is coming from. And I know like my own community of Rockville Centre --

SENATOR STAVISKY: I love Rockville Centre.

SENATOR SKELOS: It is a beautiful community.

SENATOR STAVISKY: Absolutely.

SENATOR SKELOS: Under Governor Spitzer's proposal, they were going to lose over 3 percent of school aid. Right?

SENATOR STAVISKY: But how much are they getting if we pass this document?

SENATOR SKELOS: Under the formula and the restorations that we're going to make, I guarantee you they're not going to be losing money. And the people of Rockville Centre are going to be getting their rebate checks. And --

ACTING PRESIDENT GRIFFO: I'll

ask the members to please address the chair.

SENATOR STAVISKY: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Not losing money doesn't seem like a very specific amount to me.

ACTING PRESIDENT GRIFFO: Senator Stavisky, are you making a comment or asking a question?

SENATOR STAVISKY: Yes, I'm asking -- the question I'm asking is, how can you quantify not losing a lot of money?

ACTING PRESIDENT GRIFFO: Senator Skelos, do you yield for a question?

SENATOR SKELOS: I do.

I believe when you look at the restorations we're making in terms of BOCES aid, when you look at the restorations that we're going to make in terms of high foundation aid -- I don't have it exactly here with me, but I can guarantee you when I look at the lines that show the losses -- and I'm just speaking now for Rockville Centre -- I guarantee you that there's going to be a plus

to the people of Rockville Centre.

And, you know what, as Senator Saland said, also in terms of many of the school districts, in particular upstate, coming off of save-harmless. The Governor's proposal last year, by what our Majority did in adding money -- I forget the exact number, Senator Saland -- but a number of schools went off of save-harmless. And we actually drove high tax aid to school districts that need assistance.

SENATOR STAVISKY: Thank you for answering my question. Thank you for the answer. Thank you for --

SENATOR SKELOS: So the question is in the formula and the way this money is going to be driven.

SENATOR STAVISKY: Thank you --

SENATOR SKELOS: But again, vote no. If you think it's bad, vote no.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you for your response. Let me continue.

The point I was getting at, what I

was leading up to when I said that I fear we are pitting one group against another, is the idea that there is a mechanism to resolve these disputes, and it's called conference committees. And they can be resolved through negotiation.

The other area that bothers me, Mr. President, is -- and I started to discuss the lack of confidence, the general feeling that Albany is dysfunctional. And I think what we have to take a look at is in this document we are eliminating the Office of the Inspector General. I find that very troubling.

To me, that cannot be justified, eliminating the person who's going to take a look at some of the ethical transgressions, to take a look at what is going on and perhaps help to restore confidence in our government. Because I think for the most part we are law-abiding, and I think we are good and decent people who are trying to do what's best throughout the entire state. But to eliminate the Office of the Inspector General and transfer those duties to the Attorney General

to me is a very serious mistake.

And to reduce the budget for the Commission on Public Integrity -- this is a time when we need the commission, not reduce the funding.

There are many other issues, and I look forward to perhaps working together with all of my colleagues throughout this entire one state.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

We all know that we could be here all night complaining or telling how good it is or how bad it is. We are all know that this is the budget procedures. The Assembly will submit its proposal. The Governor already submitted his. Now we are supposed to submit ours. And then the three groups, starting tomorrow, committees will be sitting down and something going to be chopped, something going to be increased, something going to be cut. And at the end, we're going

to get one budget that we all agree.

However, Senator -- my good friend from Long Island, Senator Skelos, when you said vote no, I am ranking in the Senior Citizen Committee. And when I was a City Council member in the City of New York, I was chairman of the Aging Committee. And I have been fighting and working with senior citizens for more than 30 years. That's my main goal, my only -- not my only goal, my main purpose, to protect seniors.

When I see a proposal saying that you are -- that the Governor submitted a proposal cutting money for senior citizens, you know, it hurts. So when I see something that is reinstituting the money that the Governor was cutting for senior citizens, restoring the money for senior citizens, I'm glad to see this. And I'm glad to see that we are intending to, in this proposal, intending to reinstitute the money for education on SUNY and CUNY. And no tax and no more fees, that's good.

However, Senator Skelos, when we go back to negotiations, when we go back to

negotiations and the three parts, there is something that this proposal is cutting that I would like all of you, all the Senators to take a real good look on it and be sure or at least try to put this money back.

You are suggesting to cut some new initiatives that the Governor put in his budget. And one of them is after-school funding, after-school funding. And let me read it the way you have presented it. There's no pages on here. This is under "Education."

"The Senate rejects the following new initiative within the Executive Budget proposal: After-school funding, a new $10 million appropriation is eliminated intended for children in high-needs, low-performing schools."

I'm going to vote yes today. I'm voting yes. But I want all of you to know, I want all of you to know that when we go back into committees, you are -- you are -- you are trying to cut an initiative that really, really affects the people that really, really need it. A new $10 million appropriation is

eliminated intended for children in high-needs, low-performing schools. We need that money. We really need that money.

One million dollars is cut, $1 million for student mentoring is rejected.

And, Senator Skelos, the Governor, in his proposal, he was requesting the closing of four youth-detention facilities, one in Great Valley, the Great Valley residential center, the Auburn residential center, the Brace residential center, and one in my district, Pyramid residential center.

You took care of upstate. And you are rejecting the closing of three of the four facilities -- the one in Great Valley, the one in Auburn, the Auburn center, and the Brace. The one in my district, there's nothing about it.

So let's talk about the whole state as one. Let's go back to the drawing board. And if you are rejecting the closing of three upstate, please reject closing the one in my district too. And then we'll talk about fairness and we'll talk equality for everybody.

I will be voting yes, with these recommendations. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Diaz.

Senator Volker.

SENATOR VOLKER: Mr. President, very quickly.

I just wanted to say that Senator Aubertine here, the newest member of this chamber, you've got to realize, this is called the budget dance. In the Assembly it's a lot more yelling and screaming and so forth. But the thing about this resolution, it is far more balanced than the budget that the Assembly is trying to pass, I can assure you of that.

And the real problem here is, that's so nerve-racking to some people on your side of the aisle, they don't want to vote against tax cuts and fee cuts. For those of us that are upstaters, I can only warn you, not a bad idea to vote in favor of a resolution that gets rid of that kind of stuff. Just a word of advice.

But I have to tell you, when I

listened to this, I'm fascinated. First of all, there is no recession in this state yet. It's coming, we know that.

And the $4.5 billion deficit actually is a mystical deficit, because there are billions of dollars that two governors -- not just this one, but the one before -- money was authorized and never went out. A billion dollars' worth of upstate bonds and so forth, that never went out. A billion dollars' worth of money for upstate, that didn't go out. And then there's hundreds of millions of dollars that was supposed to go to New York City that, because the foundation aid was so fouled up, it never got there. Now we're putting it back, in effect, in this budget resolution.

But the real issue here is when people say, well, there's no transparency -- there's a lot of transparency here. But this is the beginning of the budget process as mandated by law.

Now, there were many people, including, I know, some of my friends in the Assembly, who said: Don't do it today, wait till next week, it's embarrassing to do this

after what just happened. We said, Look, it has nothing to do with embarrassment or whatever, it has to do with the budget process. This is March 11th, I think -- or the 12th, 12th, which is even worse. We need to get it done.

And I think our new Governor, Governor Paterson, would agree with that. He wants to get it done, I'm sure, too.

The only way to really do that is to get this resolution passed. The Assembly has got billions of dollars in new spending and new taxes. Well, that's fine, but I don't think the people of this state will appreciate that. I'll tell you who else doesn't appreciate it, Wall Street.

We'd better understand one thing. Passing new tax increases will not help the recession, not just this in state but throughout the nation.

We have to look at what we're doing here. This is New York. This is the Empire State. It's time for us to realize that we better restrain ourselves one way or another, or we're going to help to plunge this nation

into a much worse recession than we need to.

There's no subprime problem in this state because the banks in this state had enough brains, for the most part, not to put out our mortgages and all the rest of that stuff. The New York Times somehow forgets to tell that. The Buffalo News, my paper, did tell that. They said it's Pennsylvania got a problem, and Virginia.

Whether that's true or not, it was that crisis that plunged this country and beginning to plunge this country, plus a lot of media that kept saying, We need a recession, we need a recession, there's a recession. They seemed to want a recession. I don't know why, but they want one. So we're probably going to get one.

But this year, as the numbers come down on Wall Street, we've got to do the stuff we need to do to make sure that next year we don't get into real, real trouble. But to sit back and say, well, we're not going to do anything this year because we already have a deficit -- by the way, if we spend all that money that was put out before and never

released, it won't make one increase in the deficit, because that money has already been figured into Tom DiNapoli's deficit.

Which is a fascinating thing; never happened before that I know of. Two governors held that money up, and that money is still there. So I just mention that, that we actually do not have a full $4.5 billion deficit. And we're not supposed to say that, I realize, but it's true.

But it's time for us to realize, though, we better do a fiscally responsible budget. Forget the taxes and fees and all that stuff. As a representative of upstate New York, I want to tell you, that's the last thing we need.

ACTING PRESIDENT GRIFFO: Thank you, Senator Volker.

Senator Parker.

SENATOR PARKER: Thank you, Mr. President. On the bill -- on the resolution.

ACTING PRESIDENT GRIFFO: On the resolution.

SENATOR PARKER: Which leads me to, I guess, my point. I guess I was struck

by what Senator Krueger indicated about how important this is. This is literally the most important thing we do up here. I mean, we pass a lot of things that are important, but we have here, in the State of New York, the third-largest budget in the country, after the federal government's budget and the State of California.

This year we're looking at a budget of approximately $126 billion. That's a lot of money. We have a $5 billion deficit that all of us are concerned about and trying to close and trying to figure out how we in fact do that.

What a budget is is not a document of numbers. What a budget is is a document of priorities. It states your values. And you give a numerical value, right, to those values.

And I guess I am disappointed in that someone who really does believe that there is one state here in New York and that we can in fact care for people everywhere, from Buffalo to Brookhaven, Long Island, that we in fact continue to put forth budgets in

documents and all kinds of forms, whether they're bills or resolutions, that in fact don't do that. That in fact says to the people of my district and to the people of New York City that you are not as worthy of education dollars and healthcare dollars and housing dollars and transportation dollars as your counterparts in other parts of the state.

But first, about the process. My late father always used to tell me, "Garbage in, garbage out." You can't start a process poorly and expect to get to a good result. Colleagues, this is a bad process. Putting forth a document like this in the dead of the night that does not, in fact, enumerate in some kind of specificity -- is that the right word? Detail, how about that -- is problematic.

You heard both Senator Saland and Senator Skelos not be able to come up with numbers when they were asked about what's going to happen, because we have no runs yet. And then you want me to take a vote about allocating money based on education, but we don't have any runs? How am I supposed to

take a responsible vote in this chamber and properly represent my district and the people of New York City and the people of New York State without making sure there are runs and knowing exactly where money is going to?

I am all for funding high-needs districts everywhere. And I believe we can do it. Because again, I don't believe this is about, you know, a fixed pie. I think that in fact if we believe that we can in fact fund education and we say that education is our highest priority, then we fund it.

Just like, you know, hopefully most of us believe that, you know, taking care of our homes is a good thing, so we put our money in and we pay our rent. My father -- again, something my father always told me, he said: "Son, always pay your rent first. Because people may not know if you're hungry, but they'll know if you're homeless."

So, you know, if we believe -- and a budget statement is about values. And I'm saying that our value, if our value is education, then we should put the money there. And I think that the children in Buffalo and

Rochester and Syracuse and Albany and Watertown and Brookhaven and Staten Island, they all deserve an opportunity to get a higher education.

And really, frankly, as we look at economic development and how do we in fact attract businesses to this state. Right? And as the ranker on Energy, I've been talking to people about green-collar jobs and we've been looking at how do we in fact -- you know, as we visited the wind farms up past Syracuse, we can see these 200-some-odd windmills, which were literally built in Vietnam. People in New York State can build those things.

But you need an educated, skilled workforce in order to make that happen. And we cannot do that unless every part of the state has enough dollars to put towards education so we can make sure that our young people are the best trained and the best educated, competing not just in a national workplace but in a global marketplace where labor can move from place to place and where capital around labor can move from really international country to country.

And so it's critical that we make this an important thing. And the fact that we haven't done it -- and frankly, this government hasn't shown and this Legislature hasn't shown that it can be trusted when it comes to this regard. Because it took a 20-year lawsuit to in fact get the issue resolved, then three appeals in court. And then even after we got the three appeals, my colleagues across the aisle had the nerve to come here and say, well, you won a lawsuit, try to get the money.

I mean, it's out of control. I mean, the reality is we ought to be funding kids in every area of the state. And I really see that this is problematic --

ACTING PRESIDENT GRIFFO: Senator Flanagan --

SENATOR PARKER: -- if you in fact don't do that with this document.

ACTING PRESIDENT GRIFFO: Senator Flanagan, why do you rise?

SENATOR FLANAGAN: Will Senator Parker yield?

ACTING PRESIDENT GRIFFO: Senator

Parker, will you yield to a question from Senator Flanagan?

SENATOR PARKER: Absolutely.

ACTING PRESIDENT GRIFFO: Senator Flanagan.

SENATOR FLANAGAN: Senator Parker, I listened to your comment about how the colleagues on this side of the aisle somehow said "Now you're going to have to fight to get your money."

If we could go back to last year for just a second, because it is relevant to this discussion, you are aware that the Governor's budget last year, his proposal was significantly less than the proposal put forth by the Senate Majority and what we ultimately enacted as well.

Out of the three budget proposals from last year, the Senate Majority proposal provided the largest amount of financing to education to every corner of the state. So how can you say with a straight face that somehow we didn't have the interests of every student across the state when we put the most money on the table?

SENATOR PARKER: Through you, Mr. President, and Senator Flanagan --

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: I am aware that we did not have school runs when we were asked to vote on that as well, is the first thing I remember.

The second thing is that you in fact can talk about numbers that you put into the budget all over the state. That in fact did not deal with the CFE matter and did not in fact add more money for CFE, which it needed to do.

And so we were happy --

SENATOR FLANAGAN: Senator Parker -- excuse me. Will Senator Parker yield?

ACTING PRESIDENT GRIFFO: Senator Parker, will you yield for an additional question?

SENATOR PARKER: Yes.

ACTING PRESIDENT GRIFFO: Senator Flanagan.

SENATOR FLANAGAN: The

cornerstone of the CFE decision was the foundation aid. The Senate proposal that was advanced last year had the foundation aid as its cornerstone. Our runs, our budgetary runs were higher than any other conference, including the Governor. The budget we ultimately enacted was closer to the Senate proposal than anything that was put out by anyone else.

And in fact, that proposal, when it was enacted, with the support of the Senate Majority, at our insistence from the beginning, gave $168 million more to the City of New York than the Governor's proposal. So I think we've earned our credentials and, you know, shown our mettle for fighting for all students across the State of New York.

And I know that we added more money to Long Island, $109 million, $200 million to the rest of the state. We took a bad educational proposal, in my estimation, and we made it a lot better.

And frankly, that's what we're trying to do here. So to suggest that somehow we're making people fight for their money is

just grossly off base.

SENATOR PERKINS: Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: I certainly appreciate your comments. I think we have different versions of what happened.

And also, I'm glad you're taking credit for the Governor's work last year. Because he actually began with his Executive Budget taking care of CFE even before we got to either our proposal or the Assembly proposal.

That being the case is that wasn't the first year we had the conversation. So again, if you want to be ahistorical about it, we can start at 2007. I can only be responsible as long as I've been here. So if we go back to 2003, this body did not put forth a budget that dealt with CFE. If you go back to 2004, this body did not put forth a budget that dealt with CFE. If you go to the 2005, this body did not put forth a proposal to deal with CFE.

And so, you know, again, if we want to talk about history, then let's talk about history and not break it down and parse it in a way that in fact shines good light on it, you know.

And so again, with the process, let me just continue that this is not a good process. And then, secondly, the outcomes that we're asking for, Mr. President, I'm disappointed in. I think that we can do better.

I think that this body, you know, is a good body and the people here are good people. We want to help everybody. I think that we get held up because we think that there's a fixed pie. And we think that, you know, there's -- you know, I hear we're not in a recession. I think some of the out-of-work people in my district might disagree with Senator Volker.

But we have to figure out how do we --

ACTING PRESIDENT GRIFFO: Senator Saland, why do you rise?

SENATOR PARKER: -- deal with

these things collectively.

SENATOR SALAND: Will Senator Parker yield to a question?

ACTING PRESIDENT GRIFFO: Senator Parker, will you yield to a question from Senator Saland?

SENATOR PARKER: I absolutely will.

ACTING PRESIDENT GRIFFO: Senator Saland.

SENATOR SALAND: Thank you, Senator Parker.

Senator Parker, are you aware that thanks to the changes that the Senate made in last year's proposal in the foundation formula that the City of New York this year, 2007-2008, got $100 million more that it would not have gotten had it not opted to use the ultimate sharing formula that our Senate formula provided for?

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: Through you, Mr. President, yes, I am aware.

And again, if you -- again, if we

want to talk about -- I mean, last year was a great victory for us, for all of us, because we did the right thing, finally.

My fear is that this year in the Governor's proposal he's not doing the right thing. In this year's budget, in the Governor's budget proposal, he's looking at cutting upwards of $400 million statewide out of the proposal, $193 million out of New York City's portion of it.

And I'm not clear, given at least the numbers that I see in here and, frankly -- not the numbers, the lack of numbers. And the lack of runs that you're asking me to vote on today. Right this moment, you're asking me to cast a vote up or down on this proposal that does not have any details.

So it's hard for me to have confidence, not -- you guys are great, you know. But trust you with no numbers, I really -- I would love to see something a little bit more concrete.

So I'm hoping that the goodwill that happened last year and all the things that were done will continue this year. I'm

looking forward to working with both you and Senator Flanagan on making sure this happens. But I would love to see better evidence of that so that we can both work in good faith.

SENATOR SALAND: Well, we agree at least on two things. One is that the Senate formula did benefit the city this year. And, secondly, we agree that the Governor's formula has left a lot to be desired.

Whether we would get to the same place in the same time with our remedy for that obviously is what will be discussed when we get together in conference committees.

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: Just in conclusion, I'm hoping that we will get to a conference committee and really be able to hammer out some of these details. But until I see those details, unfortunately, when we go to voting, I'm not going to be able to support this resolution.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Thank you, Mr. President. On the resolution.

ACTING PRESIDENT GRIFFO: On the resolution.

SENATOR SABINI: One of my colleagues on the other side of the aisle who I have a lot of respect for said that this was part of the budget dance. He's right. It used to be known as the hustle.

(Laughter.)

SENATOR SABINI: You know, the sponsor of this resolution got up today, in defending it, and said that this comes as a result of the Budget Reform Act of last year.

Do you ever wonder why people outside this building have a lack of confidence in government? To say that something that's put on your desk the night before, a 55-page Cliff Note budget -- because that's what this is, because it's just a resolution -- is in the interest of budget reform and an example of budget reform, on a day when the people of the State of New York are crying out for integrity in government and for some confidence in the institutions in

this building -- that's why they lack confidence in us.

I understand it's an outline. I understand it's how we get to work. There's no reason we can't get to work now. There's no reason we can't get together in tables and discuss what goes into our final budget.

We're leaving town now as a new Governor is coming in. We should be staying here and staying here until April 1st, frankly, to get this done. This is like just throwing something out and saying, "Oh, we did our work for the week, here's an abstract of a budget," and leave. That's not budget-making. That is an attempt to fulfill the constitutional mandate without doing real work.

Let me give an example of what's in here, because the devil is in the lack of details. You heard Senator Stavisky mention the Commission on Public Integrity was going to be reduced by $800,000. You heard Senator Stavisky mention that the Office of the State Inspector General was going to be folded into the Attorney General's office, thereby saving

$7.2 million.

What wasn't mentioned is that one arm of the ethics part of our government, the Temporary State Commission on Investigation, is actually receiving an increase in funding in the budget of $47,000, a modest increase.

That commission has six members on it, two appointed by George Pataki, two appointed by the Majority Leader, two appointed by Speaker Silver. And the law that created that commission, which has been around now for about five governors, sunsets in September.

Well, this abstract says as soon as that sunsets, we're eliminating the office. Well, gee, isn't that coincidental that we're eliminating the office once the new Governor gets to appoint two members. Interesting coincidence.

We're taking -- we're defanging two arms of government that are supposed to be taking care of our ethics, taking money away from them, and the third that's there, while one group controls it, we're increasing its budget. When another group gets to control

it, we're eliminating it.

With regard to school aid -- and we've heard a lot of back and forth. And I find it interesting that some of the people that are defending the actions of the Senate, which I voted for last time, are people who were critical of it at the time it was happening.

But under the aid to New York City schools, it says: "The Senate Majority increases the amount for New York City and rejects the Executive's late aid claim offset proposal," $118.9 million.

Well, those of us in New York City know -- and both sides of the aisle represent New York City -- and the folks that work in our schools and the parents will tell you that one of the complaints they get continually is that there is -- while there was no accountability under prior years, when there was no mayoral control, now money gets put in and not used for the things we want to see it used for. And there are more loosening of pre-K regulations in this budget resolution as well.

So I believe the devil is in the details. I don't feel we have enough details here. I think we go could go to tables right now and negotiate a budget and be on time and be done with it. I'm confident we could that. Frankly, on some of the transportation things that I'll be involved with, I'm pretty happy with some of the things in here.

But I don't think that in the interests of calling this a reform-oriented document, to give it to us last night and expect us to digest it and see the holes that are in it -- of which there are many -- and call it reform, that's Alice in Wonderland talk. That's not reform. That's just window dressing of more of the same.

If we want to change the way we're viewed, and if we want to have people restore their confidence in their government, we should be doing our work and we should be doing a budget that is transparent, that has input from both sides -- because we know this has no input from our side of the aisle whatsoever -- and that we come together in a concert of ideas to make things work.

This is a very critical time in our state's history. People will look back, historians will look back at these moments and judge what we do, because this is a very unusual time here. We need to stand up, we need to grow a little and we need to take some responsibility.

I don't believe this does that, despite some good intentions, so I'll be voting no. And I urge us to rededicate ourselves to getting the process moving. I know you'll say this does, but no one out there believes that.

I'll be voting no.

ACTING PRESIDENT GRIFFO: Thank you, Senator Sabini.

Senator Lanza.

SENATOR LANZA: Thank you, Mr. President. On the resolution.

You know, I'm still trying to appreciate why Senator Schneiderman would be so critical of a document that he says he hasn't had the time to read.

But I am sensitive to the comments about the process and the timeliness of this

resolution, and I think there's merit to a discussion on that point.

I was hoping to have Senator Schneiderman answer this question, but he refused to yield, and so I'm left to speculate. And I suppose that the plan from him and from my colleagues across the aisle was to simply rubber-stamp Governor Spitzer's budget.

Because if we're going to talk about process and timeliness, Governor Spitzer proposed his budget at the end of January. And I've searched my desk and I cannot find a resolution or a response or a document from Senator Schneiderman, from Senator Smith, or from any Senator across the aisle with respect to what their priorities are, with respect to what their response is, and with respect to how they would prioritize this budget.

So I'm going to be voting for this resolution for a number of reasons. First, because it restores the $1.7 billion in fees and taxes to the hardworking people and families of this state.

Governor Spitzer last year promised

to hold the line on those taxes and fees. And his budget proposal, the one which I'm left to surmise would be rubber-stamped by my colleagues across the aisle, represents nothing more than a fat broken promise.

This resolution begins the process of keeping that promise to the people of the State of New York.

I am going to vote for this resolution because it restores monies to CUNY and SUNY, and they need it and deserve it. I'm going to be voting for this resolution --

ACTING PRESIDENT GRIFFO: Senator Thompson, why do you rise?

SENATOR THOMPSON: To ask if the speaker would yield for a question.

ACTING PRESIDENT GRIFFO: Senator Lanza, will you yield to a question?

SENATOR LANZA: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Thompson.

SENATOR THOMPSON: Through you, Mr. President, I want to know if the sponsor receives copies of all the letters from the

various lawmakers on both sides of the aisle that go to the Majority Leader, if he reads all the correspondences that go to the Majority Leader in relation to the budget.

ACTING PRESIDENT GRIFFO: Senator Lanza.

SENATOR LANZA: Mr. President, if I'm cc'd on a letter from a colleague, then I read it.

SENATOR THOMPSON: Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Lanza, do you continue to yield?

SENATOR LANZA: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Thompson.

SENATOR THOMPSON: Have you requested from the Majority Leader whether or not he's received letters from people from this side of the aisle regarding restorations to the budget?

SENATOR LANZA: Have I requested from the Senate -- no, I have not.

SENATOR THOMPSON: Also --

ACTING PRESIDENT GRIFFO: Senator Thompson, do you wish the Senator to continue to yield?

SENATOR THOMPSON: Yes.

ACTING PRESIDENT GRIFFO: Senator Lanza, will you continue to yield?

SENATOR LANZA: Yes.

SENATOR THOMPSON: Are you aware that this resolution does not provide for the brownfields legislation that the Governor put in his initial budget proposal?

SENATOR LANZA: Mr. President, I'm aware of the fact that this resolution presents a budget which is vastly different and improved for the people of the State of New York than that which was proposed by Governor Spitzer.

ACTING PRESIDENT GRIFFO: Senator Thompson.

SENATOR THOMPSON: Through you, Mr. President --

ACTING PRESIDENT GRIFFO: Would you continue to yield, Senator Lanza?

SENATOR LANZA: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Thompson.

SENATOR THOMPSON: Are you aware that brownfields redevelopment is one of the key things for places like Buffalo and Niagara Falls, Rochester, and Syracuse? Are you aware that to bring economic prosperity to these areas, that the brownfields legislation is absolutely critical to these areas in addition to tax relief? Are you aware of that?

SENATOR LANZA: Mr. President, I know my colleague has not made a response to the Governor's budget that would include a restoration for monies for the brownfield restorations or cleanups in his district.

SENATOR THOMPSON: Through you, Mr. President.

ACTING PRESIDENT GRIFFO: You wish to continue to ask questions, Senator Thompson?

SENATOR THOMPSON: Yes.

ACTING PRESIDENT GRIFFO: Senator Lanza, will you continue to yield?

SENATOR LANZA: Yes.

ACTING PRESIDENT GRIFFO: Senator

Thompson.

SENATOR THOMPSON: Are you aware that this budget, as well, many of us, including myself, also sent the Majority Leader and the Minority Leader memos as well requesting restoration to the Higher Education Opportunity Program, which provides needy students based on their income -- not based solely on their race, but on their income -- from all over the state, to have these programs restored?

Many of us sent those letters when our kids from all over the state, including kids from all of our districts, requested that those restorations be made. Do you know if that is in this budget resolution, restoration to the Higher Education Opportunity Program and the Education Opportunity Program? Do you know if that is in this budget resolution?

SENATOR LANZA: Mr. President, to whom were those letters sent?

SENATOR THOMPSON: To the Majority Leader of the Senate and the Minority Leader of the Senate.

SENATOR LANZA: I'll take my

colleague at his word that those letters were sent.

SENATOR THOMPSON: So on the bill -- on the resolution --

SENATOR LANZA: Mr. President, I have the floor.

ACTING PRESIDENT GRIFFO: Senator Thompson, excuse me. Senator Lanza has the floor.

SENATOR THOMPSON: Just checking.

(Laughter.)

ACTING PRESIDENT GRIFFO: Do you want to be recognized to speak later?

SENATOR THOMPSON: No, that's all right. Thank you.

ACTING PRESIDENT GRIFFO: Senator Lanza.

SENATOR LANZA: That was a nice try, Senator.

(Laughter.)

SENATOR LANZA: I will vote for this resolution for one final reason, because I think the recent events, the revelations concerning the conduct of Governor Spitzer over the last year while he's been in office,

underscore something very important. That we've got to get beyond the political stranglehold that has been placed upon the necks of the best interests of the people of this state. We've got to get beyond the posturing and the sound bites and the petty complaints about process and get to the work of the people.

And so I vote yes on this resolution, because I know it will allow to us get to conference and to do what the people have sent us here to do, to do their work. Not some political agenda of a single person, their work. And that's what voting yes on this resolution does, it allows us to do the people's work.

ACTING PRESIDENT GRIFFO: Thank you, Senator Lanza.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. Believe me, at this point in the game I can speak long, but I'll try to be expeditious, given the late hour.

Had Eric Schneiderman been here -- oh, maybe he is. My question I would have

asked him if he'd gave me the courtesy to yield simply would have been if he thinks this budget resolution is more beneficial than the Executive's budget for the students in the Rochester City School District. And I would have gone from there to say clearly, it's not.

Much of this -- maybe we can say "beauty" is in the eyes of the beholder. Maybe a better way to say it is what lens you want to look for. But the bottom line, what I judge this on is how this resolution compares to what the Executive proposed. And that isn't a lens, that is a fact.

This Executive Budget was an assault on Rochester, New York. It took money out of our school district to drive it somewhere else of what was pledged and we all applauded the Governor for last year, stood with him and said yes, we're for foundation aid. We increased it, we said it would run for four years, and now in the second year, already reneging.

That's wrong for the people of Rochester. That's bad. This resolution addresses that in some regard, and it's my

obligation to support that. I could go on and on again.

Secondly, the increased mass transit spending will undercut Rochester 9 percent in the Governor's budget. This resolution restores that. And I could go on and on and on.

Is it perfect? No. But is this resolution a start to stake out positions as we go to budget negotiations that will make the results much better for the people I have the honor and privilege of representing? The answer is clearly yes. That is not dysfunction, that is not smoke and mirrors, that is doing the job and voting the way is the best interest of the people you represent.

So I can assure you, at least from this Senator, this is a geographical vote to move to a better place than what was put out by the Governor.

And there's nothing political about it. Check out the numbers, look at it. Everything I'm saying is exactly right. We increased aid to localities to Rochester and rectified many categories that were being

increased in other parts of the state but decreased in the City of Rochester.

So I am very happy to join with all those on both sides of the aisle that are voting yes for this resolution, because I think it will take to us better place for all New Yorkers but, most importantly, rectify some of the inequity that was done or suggested to be done by the Executive to the people of Rochester.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Robach.

Is there any other Senator wishing to be heard?

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes, I just wanted to rise to talk a bit about the process and about where we're going.

So much passion has been portrayed about whether it's petty or not. But as we're challenged to vote against this or vote against that or vote for this or vote for that, I think the reality is is that we are all here to serve our constituents, all of us

collectively.

And I always say to my colleagues across the aisle, since the things that you are presenting are so good, invite us to join you during the process. Because indeed we all want to support all the good things.

And just as we have Senator Skelos, who can say that his particular area is going to do better, and we have certainly Senator Lanza or Senator Robach saying that his particular district is going to do better, I can assure you that had we been part of the process, we would all be standing here saying we know, with this vote, our particular districts will be doing better too.

Because, frankly, that's what it's all about. We all want all New York to do better. And the information that you have would certainly benefit the information that we need in order to support the very good work that you are doing.

In the absence of that, however, we are forced to think that we might be making bad choices. And we are forced to be chastised if indeed, because we have been shut

out of the process, we make a bad choice.

I'm with you, however. I want to bring a process forward that we can begin to discuss. I want to applaud you for doing something such as restoring the basic foundation aid to the districts.

But I do want to ask you about high tax aid. Certainly last year high tax aid was a big problem for many of the counties that were left out. And certainly I see that according to the document there will be a new regional factor, and I am assured that this new regional factor will indeed benefit counties that have high tax.

Well, I stand here to say that I represent Westchester County, one of the highest-taxed counties in the country. And I am so happy that this new formula with the new consideration with high tax aid, and certainly your concern last year that things didn't quite work out, that this year we're going to begin not only with this wonderful good work of bringing so much tax abatement to our seniors and so much education aid and so much healthcare, that we will also look at all of

the components and give the proper focus to the proper areas. And certainly one of those areas is high tax aid.

So I will be joining you in this very, very good beginning and certainly hope that all of the issues that mean so much to us will be brought forward, will be positively voted on. And that the process that we talked about now we won't be talking about next year, because the process will be more inclusive.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator.

Senator Hannon.

SENATOR HANNON: Mr. President, I just wanted to make a comment, because people were talking about the process and I got more and more puzzled as people went on and on.

Last year, in the month of January -- that would be over a year ago -- we passed budget reform. And budget reform, which I've looked up -- I have the roll calls -- everybody on this side of the aisle as well as everybody on this side of the aisle supported Senator Bruno's bill.

That budget reform says that we set a schedule as soon as we get the Governor's budget, receive it. And we lay out when we're going to start to go to conference committees. We lay out when the budget hearings will be held. We lay out when the agreements will come as to the fiscal estimates will be arrived.

That schedule has been out. It's been out since January of this year right after we received the Governor's budget. I can't figure out why you didn't know today, because I've been telling everybody I've been talking to that we would be doing this resolution today, the resolution or the bill specifically called for in budget reform, today.

I went to the budget hearings. There are members of the Minority on the Finance Committee. I didn't see many there. We've had full discussion. All the people have framed the issues.

In regard to health, this budget restores cuts that I think would have a devastating impact in different polices

throughout the state. And in the information that I know you have from the Governor's office about places there'd be cuts, I read -- and they ranked it. This is the Governor ranking -- who gets the most money and increase under his budget, who gets hurt the most.

Let me read a few of these and you tell me where they're located. Because I know, but I'm not going to read it on the floor. Woodhull Medical loses $11.5 million. Metropolitan Hospital Center, almost $7 million. Bellevue, almost $7 million. St. Luke's, $6.1 million. Interfaith, $5.6 million. Queens Hospital Center, $5.1 million. Do I have to go on?

We're doing good things for everybody in this state: kids who need education, seniors who need drugs, people who need hospitals. That's what's in this resolution. There's no surprise.

You want to be inclusive, you've got to speak up. You've got to speak up, you've got to go to the meetings, you've got to be heard. You want to object to things, do

it on the merits. I haven't heard one piece of merit yet spoken.

I'm in support of this resolution, Mr. President.

ACTING PRESIDENT GRIFFO: Debate is closed.

The Secretary will ring the bell.

On the resolution, Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President. I rise and ask permission to explain my vote.

My colleagues, we have before us a document that taxes less, that spends less, and that does more for our citizens. We're very proud that we reordered the priorities that were thrown upon us in the Governor's budget proposal.

And by reordering those priorities, we ensure that upstate motorists do not have to pay additional gas taxes. That it is unconscionable that in this focus on the upstate economy, state government could be so unfocused to put before the Legislature a budget proposal that actually raises the

gasoline tax. That is unconscionable.

That's why I'm so proud of my colleagues for standing tall against this. It's the only way that we can hope that we can revitalize the upstate economy.

I join Senator Robach's concern for the loss of education aid for the greater Rochester region. He articulated very well the fact that school aid from the Rochester area schools is being diverted, in the Governor's budget proposal, to New York City schools. That's not fair, it's not right, and we will not stand for it. That's why we're supporting the resolution before us that rectifies the situation.

Mr. President, this is a good resolution. It's a good step. It provides hope for our upstate economy, and that's why I support it and urge its passage.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio. You will be recorded in the affirmative.

The question now is on the concurrent resolution. The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Bonacic, to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

Throughout the state, I think these are recessionary times. People are concerned about their job security, they're concerned about the rising price of gasoline that may hit $4 a gallon come this summer. They're concerned about the pain they went through to heat their homes.

This is a beginning, this resolution. And it starts with the first premise: No more pain, no new taxes or fees. That's the primary message of this resolution. We are nothing not going to add the slightest bit of more economic pain on the people we represent. That's point number one.

The other priorities are more for education, strengthen the healthcare system, and property tax relief. They're our priorities, that's what we stand for, that's what this resolution says in the beginning, as our budget negotiations proceed.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bonacic to be recorded in the affirmative.

Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: Mr. President, briefly to explain my vote. And I don't want to repeat everything I said earlier.

But I happen to support all the wonderful put-backs that are in here, including the health ones. I think Senator Hannon did a great job putting money back into hospitals and nursing homes and places it was needed. And the school aid put-backs, without seeing runs, I have to take their word that they're all good. And the fact that there's not going to be new taxes, and obviously we're all against increasing gas taxes, et cetera.

But my only problem is, and the thing that's holding me back from supporting this, is the numbers showing how you're paying for it aren't there.

And I would love to trust people on that. There's nobody I trust more than

Senator Bruno. I've known him a long time, good friend. However, when we ask for the numbers, the documents we have are just too sketchy. They're not in detail enough.

I wish I could take your word that we have this amount of cuts, we're going to have this much money recovered from Medicaid -- an all-time record, by the way, in Medicaid fraud recovery -- and all the other places that -- and even with those numbers that we have, they still don't add up to pay for all the wonderful things.

I wish I could support this. I will be working very hard to support all those put-backs and to make sure that those taxes don't happen during the course of the conference committees. But at this time I can't support this particular resolution. I vote no.

ACTING PRESIDENT GRIFFO: Senator Stachowski to be recorded in the negative.

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President, to explain my vote.

I've sat here for the period of discussion and listened very carefully and closely to each of the comments and responses that have been made today about this budget, pro and con.

And I find it extraordinarily interesting that our staff received this budget at 7:30 last night, we were briefed on this budget today, and yet some of my colleagues on the other side can speak so knowledgeably about the amounts of money that are going to be restored to their districts.

And if I had been as participatory as you, I could be as positive about this budget as you can. But because I was not involved in the process and I don't know the runs that are going to happen in my school district, and I don't know whether or not the $5 million -- that I did not support -- that the Governor cut in hospitals and nursing homes in my district are going to be restored, I don't have the confidence that you have that the kinds of things that would make me a good representative of my district are going to be restored.

And therefore, without that kind of assurance and information, I will continue to vote no for this resolution. And for anyone else who is as in the dark as I am about this budgetary process in this resolution, you ought to be voting no too.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson to be recorded in the negative.

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: If you want --

ACTING PRESIDENT GRIFFO: No, I don't, but you requested.

(Laughter.)

ACTING PRESIDENT GRIFFO: You had your hand up.

SENATOR SCHNEIDERMAN: No, I was complimenting Senator Hassell-Thompson on her explanation.

I would like to explain my vote, but I'll yield to Senator Stavisky.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

This resolution is sort of like a pilot starting out on a flight without a flight plan. So he doesn't really know where he's going, but at least he's up in the air. I noticed when -- I don't know, just spur of the minute.

Seriously, I recall earlier today Senator Skelos said that if you don't like this resolution, you should vote no. But I notice the total unanimity on the other side of the aisle that everybody there is voting no -- voting yes, I'm sorry. Voting yes.

And yet if you take a look at the people on this side, we are a large umbrella welcoming all people with different points of view. They've expressed it here. There is no -- we are not a monolithic kind of conference.

We are people who are concerned about these issues. And we look forward, I think all of us would agree, to resolving them in the conference committee, where really that's the purpose of the conference

committee.

I vote no.

ACTING PRESIDENT GRIFFO: Senator Stavisky to be recorded in the negative.

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President.

In addition to the issues around the process, which we all, I think -- if we're honest with ourselves, we agree that this is a very bad process. However, I just want to point out one thing that particularly disturbs me, one aspect of this, among the many others.

There is an attempt -- there has been under Governor Pataki, and now under the current Governor -- to begin to reduce the size of the Corrections Department. In fact, there was a proposal in the Executive Budget to close the operations, discontinue operations at several of the facilities, which this budget rejects.

There is a proposal in the Executive's budget to reduce the size of the youth facilities by eliminating some, closing

some of the facilities and making a transition into another kind of program. Now, this proposal eliminates all of the savings associated with those proposals, this resolution.

At the same time -- so we have this system where the upstate economy depends on young people in particular, young men in particular, black and brown men, who come from places like I represent, to move them up north. So that's a problem for me, obviously.

Now, the other thing that I see here, however, is that you restore funding and you eliminate reentry funding, all of the reentry funding which would help districts like mine to be able to accommodate people who are returning from the prisons upstate and keep them from recidivating so they have to go back.

So then you restore, however, I see -- you know, you restore some reentry programs, obviously. Wyoming County, Finger Lakes, Onondaga, Erie, Dutchess, Nassau, Westchester. Where are my programs where the prisoners are going to return when they're

released? So there's a clear message in this document, as far as I'm concerned.

On the other hand, when I look at this economic development funding, you deny $11.5 million for economic development, $3.5 million for the UDC program, which is a an economic development program, $7 million for Centers for Excellence, which is an economic development program.

ACTING PRESIDENT GRIFFO: Senator Montgomery --

SENATOR MONTGOMERY: And so, Mr. President --

ACTING PRESIDENT GRIFFO: Senator Montgomery, may I remind you we are on explanation of votes, please.

SENATOR MONTGOMERY: My time is up, I understand.

But I want to say that we deny funds for economic development which would help to raise and lift the economy in upstate so that we're not depending on people from downstate to come upstate and fill up the prisons so that you have an economy built on that.

So I am rejecting this, for that and many other reasons. I vote no.

ACTING PRESIDENT GRIFFO: Senator Montgomery to be recorded in the negative.

Senator Schneiderman, do you wish to be heard for an explanation?

SENATOR SCHNEIDERMAN: Well, I will explain my vote. Thank you, Mr. President. There's some things I can't explain, but I'll explain my vote.

It's great to be popular, and after many years of people trying to quiet me, it's good that everyone wants to speak with me now. I'm looking forward to debate in the rest of the session and looking forward to continuing this.

It would be great if we had a chance to debate while there was still an opportunity to actually have input, as many of my colleagues observed, on the legislation or resolutions before us.

I just want to close by saying one thing, one last-ditch pitch for integrity in government and for voting against this resolution. I disagree with things in the

Executive Budget, but at least the Governor had the integrity to show where his money came from and where it went. I disagree with things in the Assembly's budget bills, but at least they have the integrity to show where they would raise the money.

The big lie in Albany is we are going to increase spending but we're not going to impose new taxes. And ever since I've been here, I've been watching this bizarre process where people attempt to hypnotize their constituents and say the state budget grows every year, the spending of local governments grows every year, and yet we're tax-cutters. According to the Pataki administration, they cut $16.5 billion in taxes in the course of their regime.

These tax cuts, where did the -- how did -- how come the state budget keeps growing? How come the local government budgets keep growing? Not because the economy's doing well. It's because we are forcing the local governments of this state to raise their taxes, and then we act shocked that property taxes are high.

Let's have the integrity in this house, as we move through this project, to do what the Assembly has done and the Governor has done. Let's show how we pay for things. Let's not lie to people and tell them we're not increasing their taxes or fees as we increase spending and we force local governments to raise property and sales taxes.

I vote no. I urge everyone who is a serious fiscal conservative or concerned about the integrity of this process to vote against this resolution.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Schneiderman to be recorded in the negative.

Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Mr. President. I just want to explain my vote dealing with the restitution of educational aid.

It's important that when we return money back to the city area, that we attach the criterias that we attached previously. Many of the parents and teachers want to make sure that we continue to focus on class size

and we don't simply return money back to the chancellor and the mayor without some form of specific things that we want, as state legislators, to be attached to that funding.

I vote no.

ACTING PRESIDENT GRIFFO: Senator Adams to be recorded in the negative.

Senator Seward, to explain his vote.

SENATOR SEWARD: Thank you, Mr. President.

I'm very pleased to rise in support of this budget resolution because I think it's very important and significant that particularly in the events of this past 48 to 72 hours that this house, this Legislature, is moving forward with the budget process. Governing is happening, and we're moving forward with the process.

There was no question that we needed to make some changes in what the Executive had presented to us back in January, particularly on the tax and fee side of the ledger. Because as I read the Governor's proposal to the Legislature when it comes to a

new budget, if you buy a home, if you own a home, if you drive a car, if you purchase health insurance, if you go to the doctor or have to go into a nursing home, if you own a small business, you were going to be paying more under the Governor's plan.

And this budget resolution and where we are staking out a position as a Senate, and particularly the unanimous side on this side of the aisle, is saying we need to back out those new taxes, $1.7 billion of new taxes and fees, back them out of a new state budget.

I disagree with Senator Montgomery. Our upstate economy does not depend on prisons. It depends on lowering the cost of living and doing business in the upstate region. This budget resolution does exactly that, by rejecting taxes and fees and also including some critical tax relief in the area of property taxes.

How do we pay for it? We hold the line on spending. We hold the line on spending in this budget resolution, and we also make some common-sense, I call them

common-sense investments in critical areas like education and healthcare.

Mr. President, this budget resolution meets the needs of the people of this state. It does in my region of the state. It's balanced. We're ready to proceed with the budget process. Let's get it done and produce a positive result for the people of this state.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator Seward to be recorded in the affirmative.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, during the course of debate there's been criticism of various aspects of the budget. As I stand here today, I can't honestly say that I agree with every single line in the budget that's being proposed by the Senate. I don't. It's as simple as that.

However, in comparing it to what we were given by the Governor, a budget that included so many hidden taxes and fees, and especially the repeal of the limit on gas tax, taking that cap off, the $2 cap -- I mean,

it's just not common sense. When you're in recession, you've got to relieve the burden of people so they can continue to work, continue to make a living, so that small businesses can actually try to make money even though their expenses are going up as it is. You know, that's what you have to do.

So when we reject, for example, the Governor's 1800-plus new jobs that he has in a budget, that makes a lot of sense. When you're a family member and you've got more expenses, you don't create still more expenses by spending more. It doesn't make any sense whatsoever. You try to make sure you do with what you have. They can't just say "I'm going to go out and take some more money from my neighbor," and we shouldn't do the same thing.

So this may not be a perfect proposal that we have in the Senate, but it's certainly leaps and bounds above the proposal of the Governor. And I support it generally. We'll ferret out all the different issues during the course of the committee meetings.

And the most important thing, however, is we shouldn't be spending more, we

can't spend more, and we can't afford new taxes. We must hold the line and actually cut taxes in this budget year.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the affirmative.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

I'm going to vote yes on this resolution because I think one of the important things of our Majority is we try to bring balance throughout the State of New York and treat each region fairly.

Senator Adams, we're showing you the money when it comes to school aid. And we're showing you the money when it comes to helping our seniors and middle-income families in terms of real property tax relief.

Senator Stavisky, you mentioned about us being monolithic. We care about each region of the state. And I recall last year every single member of your conference raised their hands and supported Governor Spitzer's

cuts to healthcare, every single one. And when a bill came up to set up a commission in terms of judicial pay raises that every single one of you sponsored, you all voted no against it.

So don't lecture us about being monolithic and not being sensitive, because I sense a little bit of hypocrisy in that.

So I think it's critically important that this resolution be adopted, that we move forward, because today is Day One of the legislative side of the negotiations of our budget. It's not about dysfunction. Today is not the day that we should be talking about dysfunction in government. It's a day that we should be moving forward as a legislative body and put a budget together and do the right thing for the people of the State of New York.

So, Mr. President, I'm very happy to vote yes on this resolution.

ACTING PRESIDENT GRIFFO: Senator Skelos to be recorded in the affirmative.

Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President, to explain my vote.

I carry a bill for an independent budget office. We have not moved on that bill. I think today, this afternoon, is a perfect example for why we need an independent budget office.

I too don't agree fully with the Executive Budget. I didn't agree with the Executive Budget when Governor Spitzer submitted it; I'll be letting the new Governor know on Monday that I have problems with this budget as well.

But again, I know what's in there and what's not in there. Today we're not voting on something where we know what's in there and what's not in there.

Now, we know this is one house, we know it's a resolution, and I would argue we sort of know today was about TV commercials. So there's a website called Factcheck.org that evaluates the truthfulness of political TV commercials, and I would argue that their research will show at a later date and time that the facts were not correct in the TV

commercials that were practiced here today.

Thank you. I will be voting no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger to be recorded in the negative.

Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, for many of the reasons that my colleagues have stated on this side of the aisle -- certainly the macro issues -- I have enormous comfort in supporting this budget resolution. Certainly from the vantage point of my chairmanship of the Education Committee, I think it remedies a number of shortcomings of the Governor's budget.

But on another level, on a much more micro level, I rise to say how critically important this is for those in my district who are battling mightily to stave off the closure of a facility, a correctional facility, a facility which is running at capacity, a facility which seems to be an anomaly in the

sense that it's being proposed for closure.

It has a whole community scratching its head and wondering why they have been targeted for this closure when it gets extraordinarily high grades for the manner in which it operates and, when it's graded out as a correction facility, it's getting superb grades.

So to that particular community, the Governor's proposal to close this facility has left it stunned, has left several hundred people greatly at risk, and has left a somewhat challenged financial community in the City of Hudson and the County of Columbia even greater at risk.

And our proposal, I think to its credit, would restore that facility and provide the funds with which to sustain that facility, and I believe that in and of itself is a marvelous accomplishment. And I hope during the coming negotiations we can prevail upon the Assembly to join us.

Thank you, and I vote aye.

ACTING PRESIDENT GRIFFO: Senator Saland to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Concurrent Resolution Number 4655 are Senators Adams, Breslin, Connor, Dilan, Gonzalez, Hassell-Thompson, Huntley, L. Krueger, Montgomery, Onorato, Parker, Perkins, Sabini, Schneiderman, Smith, Stachowski, Stavisky and Thompson. Also Senator Sampson.

Absent from voting: Senators Duane, C. Kruger and Serrano.

Ayes, 39. Nays, 19.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: There is no further business.

SENATOR SKELOS: Mr. President, there being none, I move we stand adjourned, at the call of the Majority Leader, intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On

motion, the Senate stands adjourned until the call of the Majority Leader, intervening days being legislative days.

(Whereupon, at 5:57 p.m., the Senate adjourned.)