NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

August 20, 2008

10:16 a.m.

EXTRAORDINARY SESSION

SENATOR GEORGE D. MAZIARZ, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAZIARZ: The Senate will come to order.

I ask everyone present to please rise and repeat the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT MAZIARZ: In the absence of clergy, I'll ask that we please bow our heads for a moment of silence.

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

ACTING PRESIDENT MAZIARZ: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, August 19, the Senate met in Extraordinary Session pursuant to adjournment. On motion, Senate adjourned.

ACTING PRESIDENT MAZIARZ: 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 Libous.

SENATOR LIBOUS: Mr. President, there will be a Finance Committee meeting immediately in Room 332.

Then we're going to immediately come back and call a Rules Committee meeting in Room 332. And then we'll come back and address the bill on the floor.

ACTING PRESIDENT MAZIARZ: There will be a meeting of the Senate Finance Committee in Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 10:17 a.m.)

ACTING PRESIDENT MAZIARZ: Senator Libous.

SENATOR LIBOUS: Mr. President, there will be an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT MAZIARZ: There

will be an immediate meeting of the Rules Committee in Room 332.

The Senate continues to stand at ease.

(Whereupon, the Senate reconvened at 10:28 a.m.)

ACTING PRESIDENT MAZIARZ: Senator Libous.

SENATOR LIBOUS: Could we have the members in the chamber, please.

And could we return to reports of standing committees for a report from the Finance Committee.

ACTING PRESIDENT MAZIARZ: Reports of standing committees.

The Secretary will read the Finance Committee report.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance, reports the following bill direct to third reading:

Extraordinary Session Senate Print Number 2, Senate Budget Bill, an act to amend Chapter 50 of the Laws of 2008 enacting the Public Protection and General Government

Budget and others, in relation to the support of state government.

ACTING PRESIDENT MAZIARZ: Without objection, the bill is reported direct to third reading.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we now take up the third reading of the Finance report, please.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1, Senator O. Johnson moves to discharge, from the Committee on Finance, Extraordinary Session Assembly Print Number 2 and substitute it for the identical Extraordinary Session Senate Bill Number 2, Third Reading Calendar 1.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1, by the Assembly Committee on Rules, Extraordinary Session Print Number 2, an act to amend Chapter 50 of the Laws of 2008

enacting the Public Protection and General Government Budget and others, in relation to the support of state government.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Libous.

SENATOR LIBOUS: Is there a message of necessity at the desk?

ACTING PRESIDENT MAZIARZ: There is a message of necessity at the desk, Senator.

SENATOR LIBOUS: Mr. President, we're just pausing for a second so members can come into the chamber.

ACTING PRESIDENT MAZIARZ: Would all the members please report to the chamber.

Senator Libous.

SENATOR LIBOUS: Mr. President, I now move to accept the message of necessity.

ACTING PRESIDENT MAZIARZ: All in favor of accepting the message of necessity

please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The message is accepted.

Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Senator Connor, to explain his vote.

SENATOR CONNOR: Thank you, Mr. President.

First I want to congratulate and applaud Governor Paterson for focusing the attention of the state on the fiscal crisis that we're facing and the economic downturn and the impact it has on the state's fiscal condition.

And my colleagues certainly are to be applauded for their efforts in both houses

to try and meet this.

That said, as I've said before many times, a budget and the state's fiscal integrity have two sides of the ledger. There's the revenue side, there's the expenditure side. And on that expenditure side are what I call tax expenditures, tax breaks we give to people, taxes we don't collect, ostensibly for good public purposes like job generation.

Unfortunately, we've often been misled and given tax credits to people who don't produce the jobs for the areas of the state that desperately need them, who don't meet their obligations.

This effort to close the gap is but a minuscule piece of what needs to be done. We need to evaluate and recoup tax dollars we give away to people who don't meet their commitments. We need a tax system that's truly progressive. Why is it that our highest earners pay middle-class rates on their state income tax -- or worse -- or worse, nothing?

I have addressed before on this floor the question of investment bankers whose

income, the money they make on a deal they spend their time on is treated as capital gains rather than income. In theory, it's a fiction: Oh, it's a return on their investment. What investment? Their time?

I'm not talking about people who put their money at risk, entrepreneurs, people who take risks. That's different.

But because we track the federal tax law, we let investment bankers, some of the highest earners in this state, some of the wealthiest people in this state, escape paying the normal income tax rate of all of our other taxpayers that make it to a middle-class bracket -- and we don't have a whole lot of brackets here in this state; that's why it's not a progressive system -- but they pay capital gains.

Real entrepreneurs, the people in my district who invest and own and operate a little luncheonette or a bodega, they don't get that kind of treatment when they put in 60-, 70-hour weeks working there. They end up paying income tax. Why aren't we addressing that?

Why aren't we addressing revenue needs? Why are we afraid to say the T word, taxes? Everybody in this state should pay their fair share. I'm not talking about more taxes, more taxes. I'm talking about a system that's fair, that all New Yorkers think they're paying their fair share, that property taxpayers don't get killed because the house they live in for years appreciates in value yet they have very modest incomes.

Why don't we address that? That's part of this package if you want to close this gap. But we've gone willy-nilly from year to year giving away tax breaks, lowering this tax but raising that tax, taxing certain businesses unfairly, letting others off the hook. It's all part of the same fiscal package, and we have to address it.

And, Mr. President, let's talk about cuts. Where are the cuts in those upstate prisons that we don't need anymore? Why are we leaving them open? Why are we cutting nickels and dimes from women and children, in some of these things that we're doing today, and leaving those prisons up

there? Why are we doing that? Why aren't we attacking that?

Mr. President, until we have a comprehensive approach to New York State's fiscal condition that's evolved over the past decade or two, and until we address the issue of fairness in our tax system, the concept of every New Yorker paying their fair share but no more than is needed to support government, and until we eliminate real waste despite the political obstacles or local political considerations -- such as those prisons -- until we do all that, we're never going to straighten out the fiscal condition of the state, we're never going to convince the public we're doing the right thing in regard to the way we budget.

And until we do that, Mr. President, I'm voting no on this bill.

ACTING PRESIDENT MAZIARZ: Senator Connor will be recorded in the negative.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: I want to thank my colleague Senator Connor for actually

going first and raising some of the exact same issues I was going to raise.

This is a very hard vote for many of us. We all hate cutting budgets. We know we have an economic crisis. I think we know we're going to be back here, perhaps even before the next budget session, to do some more harm.

And yet while my concerns are almost identical to my colleague Senator Connor, I will vote yes, because I recognize that we do have to cut our budget.

And I wish we were making other cuts. Senator Connor just pointed out what are we doing keeping empty prisons open where we all know we could save hundreds of millions of dollars without doing harm to the endless number of small groups listed in this budget document who are going to take cuts that may in some situations -- even though it might just be a 6 percent cut, but it's a 6 percent cut on the last half of a year, which is a 12 percent cut minimum -- some of these programs might close their doors because of the decisions we're making today.

And so when I know that I'm passing a budget bill that's cutting out emergency-food money at a time where food prices are skyrocketing and the economy is bad, that causes me enormous pain. And when I know that we're cutting HIV prevention programs, and when I know we're cutting SUNY and CUNY programs when we all know that the future of this state is dependent on making sure that our generation of young people are competitively positioned through their intellectual capital to move us through the 21st century and into the kinds of jobs that are there.

And so I am frustrated that the best we could do today, even in cutting budgets, was this list. But like my colleague, I recognize that because of the borrow-and-spend philosophy of Governor Pataki's 12 years in office and this chamber, led by the Senate Republicans, that we find ourselves with only these choices in front of us today.

Four hundred million in savings from closing down prisons we don't need

instead of the cuts we're putting on the table today? I have no question where I would put our priorities if I had been the one at the negotiating table.

Senator Connor talked about our tax policies. I have spent endless amounts of time on the floor of the Senate trying to convince my colleagues what we need to do in New York State is a full evaluation of our tax policies to have a progressive instead of a regressive system. And that doesn't necessarily mean a tax increase, that means a fair and equitable distribution of taxes.

And, like my colleague, I have spent endless hours on this floor and in written documents talking about the fact that we never evaluate, and we didn't today either, the tax expenditure budget.

We have not done Empire Zone reform. There are hundreds of millions of dollars that are going out the door to people who should not be getting these tax exemptions and who have not met the standard even of the limited rules we have put into place about Empire Zones.

There are tax expenditures on our books that there is no way you can justify from an incentive perspective in a 21st-century economy. And yet billions, billions of dollars are being left uncollected from people who end up not paying their fair share of taxes.

And so because we don't have a good tax policy system and we aren't an honest legislature when it comes to determining who gets to pay their taxes and who doesn't, instead we will cut hundreds of millions of dollars out of groups who do the work that is so critically important in communities and who are more needed in bad economic times than in good economic times. And that's where we find ourselves.

And I would even hazard to say that if I had been the governor in the last few days, one of the decisions I might have made is if you're actually big enough to afford a lobbyist up here, maybe you could take a bigger cut than all the small folks who barely got their voices heard at all and who are, in this document, losing hundreds of millions of

dollars.

So I will vote yes, but with a heavy heart. And I will say we could have done much better, and I wish we had.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

I rise also to compliment Governor Paterson for initiating this special session.

Right around the corner, we'll be dealing with a very difficult budget year coming -- actually, his budget will come out in about five months. That's not too long from now. And by being here earlier to start addressing the issue, I think we're going to be in a position to face less of a problem come January, but, more importantly, address the overspending that has obviously been happening over the last few years.

You know, there's cuts in this budget bill that I don't like. And I'm sure, if you go around the room, you could find everybody with some issue they don't like

that's cut in this particular budget.

The fact of the matter is is that Governor Paterson gave a framework, we followed that framework. We restored much of the cuts, made sure nothing happened to education, minimized completely, I believe, or to a very large degree any pass-ons to local government. And we've got a substantial savings here.

Many of the ideas that have been expressed by earlier speakers, we've got plenty of time in five months to do that.

This was an extraordinary session for an extraordinary purpose. And we followed the Governor's lead today in making substantial cuts. And I'm going to vote aye on this bill.

Secondly, we followed the Governor's lead on the tax cap about 11 days ago. And what we're trying to show is that what you're Republican or Democrat, a Democratic governor or a Republican majority, you can work together a common goal.

And we continue to partner with the Governor and hope that the Assembly will come

along on the other tax issue.

So with that said,I vote aye today.

ACTING PRESIDENT GRIFFO: Senator Maziarz.

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

I rise to also support this budget resolution. I agree with my colleague Senator DeFrancisco. I think that the Governor's approach to share the pain, if you will, to cut a little bit across the board from hundreds of different areas, is the right approach.

We all know that with the impending bad financial news, with the ups and downs of Wall Street, with what everyone forecasts as a potential banking crisis coming next year, I think this is a good first start for us here. And again, I congratulate the Governor.

I think the absolutely wrong direction to go in would be to increasing taxes, increasing revenues and increasing fees. For too long that's been the easiest answer. And the Governor, and I congratulate him again, rejects that approach.

The real story out of this extraordinary session of the Legislature is the Assembly's refusal to adopt the property tax cap that the Governor proposed -- and I want to emphasize that the Governor proposed and the Senate adopted two weeks ago. That's really the only disappointing part about this.

Mr. President, I vote in favor of this budget bill. I think it's the right direction to be taking our state at this very critical time.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Maziarz.

Senator Gonzalez.

SENATOR GONZALEZ: Thank you, Mr. President.

I think that Senator Connor articulated what in terms of I agree with.

Also, the first ones to get the cuts, the first ones are the poor, the disabled and the vulnerable. And others are not -- they share the pain immediately. And others do not share the same pain.

And for that reason, I vote no.

ACTING PRESIDENT GRIFFO: Thank you, Senator Gonzalez.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

These are truly hard cuts. But these cuts are what the majority of this great state expect of us. Six cents on every dollar sounds like a lot of money. But we will get through it.

Families across this great state are cutting much more than that. They're making decisions on the education of their children, the future of their families. They expect more out of this Legislature.

And I'm listening to some of my colleagues today. We have to give the people of this great state that double insurance policy that really guarantees them a future for their family, and that is that bipartisan cap that we talk about on property that the Governor has put forward. And the other insurance policy is that 4 percent spending cap.

And if we had a spending cap here

in the State of New York, as I said yesterday, we would have had $2.4 billion savings last year, $2.4 billion savings this year, and $2.8 billion savings next year. Think about that.

The people of the State of New York deserve those cuts. The cuts that they are making for their families this year are truly a burden to each and every one of those families. And we as a body can make a difference for each and every one of those families by doing the right thing.

And the right thing is doing these cuts, and the right thing is doing that property cap tax for the people of the State of New York. And doing the right thing is passing that spending cap and saving $2.8 billion for the taxpayers of the State of New York.

Even with these cuts today, and the ones going into the next year with the Governor, we save $1.7 billion. That's a lot of money. But we're still facing a $5 billion-plus deficit next year.

We need to get serious here, we

need to get serious in the Assembly, and we to do the right thing, and that's to pass these savings down to the families across the State of New York.

I vote aye, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Golden.

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

You know, when I came to this body, Senator Paterson used to be our leader. And I remember all the teaching he gave me, how he taught me to fight against the cuts that the Republicans used to make in our communities. And Governor Paterson -- I mean Senator Paterson was great. He was a leader. He was on top of protecting every cut that would affect our communities.

Now Senator Paterson is no longer Senator Paterson, now he's Governor Paterson. And, ladies and gentlemen, the Republican side is always praising Governor Paterson. The Republican side is praising Governor Paterson for the last two weeks. The editorial boards

of every newspaper is praising Governor Paterson, how he's cutting, how he's protecting the budget.

He wasn't like that when he was with us. He was a completely different person. What's happened? What's going on here?

You know, I've always said that I'm a conservative. Yes, and I am a conservative Democrat when it comes to family values and moral values. But when it comes to protecting the services to our community, to our needy, I am a very liberal guy.

As a matter of fact, today I'm going to prove that I am a better Democrat than some of my colleagues. I'm going to prove that I'm a better Democrat. Because we Democrats are supposed to protect the needy. We Democrats are supposed to protect the services for the poor, the black, the Hispanic. That's what we're supposed to do.

And Liz Krueger, Senator Liz Krueger just said something here. When she was up, she said some of those programs might close -- that's what she said -- might

close due to the decisions that we are taking here today. Senator Krueger said that. But she said "I'm voting yes."

And I'm saying, hey, ain't we Democrats? Ain't we supposed to protect the needy? Now we're cutting HIV services, hospital services in my district, bilingual education, HEOP. We're cutting HEOP. I mean, the program that helps our youth, our minority students to go to college, we're cutting that? And we are calling ourselves Democrats?

Ladies and gentlemen, I am a conservative Democrat, I am a conservative Democratic when it comes to family values, to moral values, and to traditional values. When it comes to services to my community, I am as best as you could find. I am very, very liberal when it comes to protecting the services for my community.

And I am ashamed, today I'm here to say that we are here saying because the Governor sent in this, we have to help the Governor? And the Governor's being praised by the Republican side? And we are here to cut services to our people, to our communities, to

our children?

On breakfast, breakfast and lunch, school breakfast and lunch, we are cutting that. School breakfast and lunches.

And we're supposed to be -- I'm supposed to be -- I am -- ladies and gentlemen, I am supposed to be the conservative Democrat here. I'm supposed to -- you are calling me Republican. You're asking me, When are you going to that side, when are you going to that side?

I am telling you now, today, when are all of you going to go to that side? When are all of you who are voting for this package going to go to that side?

I am voting no because I'm voting with my conscience to protect what we're supposed to protect -- the needy, the poor, the people that sent us here to fight for them. And don't allow programs to close because of a decision that we are taking here today.

Ladies and gentlemen, I'm voting -- Mr. President, look at me. Please. Look at me, Mr. President, and hear me, please. Hear

me. I am voting no. I am a Democrat. I am a conservative Democratic when it comes to family values and to moral values. When it comes to services to our community, I am as liberal as they could come.

ACTING PRESIDENT GRIFFO: So noted, Senator Diaz. Thank you.

Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

I rise in support of this measure as a measure of necessity given the current economic climates that we have in the State of New York.

We have a special extraordinary session of the Legislature here, called by the Governor. As such, he has called upon us to enact a rather long series of reductions in expenditures that we have compromised with and negotiated and that has resulted in a package that is eminently reasonable and fair across the board given what we were presented at the time.

I commend the Governor for his initiative here in recognizing that the state

clearly has a spending problem, not a tax problem, and we need to make certain reductions in spending in order, very frankly, to meet our constitutional responsibilities to balance the budget.

We ignore the fact that the Governor has indicated that at the end of this fiscal year, without enacting any particular spending reductions, that we would have at least a $630 million deficit at the end of March of this coming fiscal year.

Without him taking the actions that he has taken, his $630 million is obviously providing what he considers to be executive actions that will meet closure of that gap for the end of the fiscal year.

And additionally, he asks us to produce some savings to ensure that in the event that the economic condition of this state worsened, that he would have the ability to close this budget at the end of this fiscal year without the necessity of having a deficit.

I don't know what you think is going to happen. The money is not going to

come out of the sky. Your only answer to this problem is to raise taxes some more. And I don't think this state can afford to raise any more taxes. And certainly those economists indicate that if you're in a recession or problem with an economic downturn in the State of New York, as we are, that the worst that we can do would be to raise taxes and further exacerbate our economic problems.

So, ladies and gentlemen, we're faced with a laundry list of choices that clearly say, hey, you've got to come up with some money to close this budget gap. The Governor is asking for a cushion to meet the end of this fiscal year. We're providing it in the form of $427 million of additional cushion. He's going to cut $630 million, to his credit, through administrative actions.

And, together, we're going to be able to go forward to try to tell New Yorkers that we're serious about making sure our fiscal house is in order as we go and face a potential budget deficit that is going to grow significantly next year in the 2009-2010 fiscal year.

The Governor has indicated that he believes that will be $6.4 billion. We can quibble over whether or not we believe the assumptions underlying that number are exactly accurate. But one thing that we do know is we're going to face a budget deficit for 2009-2010.

So we ought to be responsible and take actions going forward, prospectively, in order to make sure that that burden is less onerous on the taxpayers next year.

This measure does provide some cushion, and it does so without raising the already horrendously onerous burden of taxes on New Yorkers. I vote aye.

ACTING PRESIDENT GRIFFO: Thank you, Senator Winner.

Senator Hassell-Thompson.

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

I will in fact be voting on this budget, but with deep reluctance. I listened to each of my colleagues. And as somebody whose field of endeavor has been to work with

the HIV and AIDS community, I am heartsick about any of these cuts that are going to affect their ability to not only teach the modes of transmittal but also to make sure that new treatment modalities reach people -- that the outreach benefits will just not be there.

I am very concerned about the cuts to the aging. But more than that, I am very concerned about just our general health cuts. When we look at mental health and all of our areas and the nursing homes, I am deeply concerned. Because even though it says 6 percent, it continues to represent jobs, opportunities within our communities, and it represents a failure to serve.

We cannot talk about good health practices, we can't talk about how do we address the issues of obesity if in fact we're going to be cutting research and services. We can't talk about how do we get in front of the issues of women's health, breast cancer, other kinds of things if we're cutting services to our communities.

Having said that, you say how do I

vote. Yes. How do I vote yes? Because I do understand that aside from a couple of areas that have already been mentioned, particularly prisons, which I spoke very strongly when we first did our budget, that those things are not in here. There are a lot of "nots" in this budget. But for the most part, we all understood when we came back here, that we were going to make cuts.

And how deeply we cut is reflected in how some hospitals are going to be cut deeper than others. When I look at perhaps White Plains Hospital and then look at Bronx Lebanon and see what the impact of one hospital over another -- yes, I understand that Bronx Lebanon has more Medicaid, so the bigger the Medicaid dollars, the bigger the cuts reflected. But that also means reflective of the cuts of services to people in our communities.

We can't talk about good health policies when we don't talk about how the budget reflects that. And so that I would like to hope that, having looked at the spending spree that this state has been on

that has brought us to this dilemma, that we have learned something from that experience and that these cuts and what they're going to mean and how we're going to have to explain them in our communities when we go home will help us to come back here next year with a very different mindset about who is going to get what in this state.

We have got to start with a policy base. And from that policy we can determine how money is going to be spent. We do not have a policy about -- we've just begun to get a policy about education, but we haven't established a policy about health. And we still look at the disparity between how health is provided in some communities versus others.

And until we begin to talk about what is going to be the public policy of this State Senate, we will continue to experience lopsided cuts as we are experiencing in this budget.

So I will be voting yes, with tremendous reluctance, Mr. President. But I hope that everyone has learned something about the spending spree, the failure to tax those

who can afford, that have brought us to this state of affairs today.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I rise in support of this bill. I understand that there are some difficult reductions in spending in this bill, but these are difficult times.

And the people in this state, the people in my district, are tightening their belts because of their difficulties in costs and income and all that they're dealing with. So I think it's appropriate that we in New York State tighten our belts.

I commend the Governor for calling us back. I commend him for working with the Legislature to spread the reductions over many, many areas of the state so that the impact is not totally painful on one segment of this state.

I thank him for doing what he's doing, and I believe that the people of

New York State will thank all of us.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Stachowski.

SENATOR STACHOWSKI: Thank you, Mr. President.

Obviously this is a package that has some cuts that everybody has some problems with. There are cuts in here that, as Senator DeFrancisco said, if you go around the room everybody will have a problem with something in here.

There are serious cuts, but I think that in a lot of places they're cuts of 6 percent. And if the program is still funded at 94 percent, I think they can get through this year. And hopefully the cuts next year won't be worse. If the economy changes, maybe they'll be getting the money back that they're losing this year. We don't know that yet; we'll have to see.

But we have to work on the premise that we needed to make these cuts so that we can get a handle on the budget that will be facing us next year, based on the economic

data that we have in front of us today.

These aren't pleasant things. But everybody thinks that the State of New York spends so much, and in many cases too much. And so with that as the backdrop, I don't see how we have a choice except to vote for a cutting package of spending.

I think that the cuts could have been different. That's okay. Everybody put up their own cuts; this is what came out.

It's like you go to a restaurant, you might want a certain dish but it's not on the menu, so you've got to order from whatever the menu is. And we didn't make the menu up, but this is the menu in front of us and we've got to make a selection.

And I think, in the betterment of the state, to put us in better fiscal order, the option is to vote for the cuts, get through this year, hope that all those programs that get minor cuts can handle them, hope that anything that gets a bigger cut -- because the things that the Governor cut, but I'm sure his people thought about them before they took them out -- they can get through the

year.

So I think that the right thing to do -- and I heard Senator Diaz talk about being a conservative Democrat. Well, I'm a fiscally conservative Democrat. So I look at the spending part. And I think that we have no option but to try to get the cutting on the spending now and, in the future, maybe even cut on some spending in other areas when other people get the options to name what will be on the menu.

So I vote yes.

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I see Senator Diaz is leaving. I was going to speak to him.

But anyway, I've been here 32 years, and I think that this is one of the one time -- perhaps the greatest moment that this Legislature has acted. You know, they call us dysfunctional. I think that the Governor has been magnificent in putting forth this program to solve one of the greatest crises that's

ever faced the State of New York.

And it's an example of the Governor, the Senate, and the Assembly working together to try to solve a problem that is absolutely devastating to our citizens in this state.

We have addressed this problem with an agreement. It's not perfect. But boy, it addresses almost all of the areas.

You know, a number of people are concerned about some of the areas that were cut. Let me just speak to some of them that were excluded, that were not cut. Aid to municipalities, county mandates. TAP, Tuition Assistance Program. The community colleges were not cut. Appropriations below $500,000. School aid, one of the biggest things in our budget, was not touched. Child welfare services. Youth detention. Special education and welfare were not cut.

We addressed a problem that's going to solve $2.8 billion over a couple of years. And, you know, the Legislature stepped up here, worked together, and really put together a program that addresses something that the

people of the State of New York are talking about. You've got to get your fiscal house in order, and we're doing it.

I applaud the Governor and this house, all of my colleagues and so forth, and the Assembly for working together to get this done within the parameters of this extraordinary session. I think that we're all ready to go back to our districts and say we got it done, we did our job.

Now, are there are some things left undone that I'm not satisfied with? Yes. But on balance, it's a very good program.

And, Mr. President, look at me.

(Laughter.)

SENATOR FARLEY: Are you looking at me?

I vote aye.

ACTING PRESIDENT BONACIC: Thank you, Senator Farley.

Senator Stavisky.

SENATOR STAVISKY: That's all right, you don't have to look at me.

ACTING PRESIDENT BONACIC: But I look like looking at you, Senator.

SENATOR STAVISKY: Thank you, Senator -- Mr. President.

I've heard people say today that there were no cuts to education. And I beg to differ, because as far as I'm concerned, education is really from prekindergarten to the Ph.D., to the postgraduate degrees. It's a continuum.

And yes, there have been cuts to education that I find very troubling. For one thing, we're cutting over $50 million from the CUNY budget. I find that very troubling. What's to me worse are the cuts to the opportunity programs -- to HEOP, C-STEP, the Liberty Partnership Program, the STEP program. There's more than $2 million in cuts to these opportunity programs.

And yet these special programs save the state a lot of money in the long run, because these students do well in college, become income-producing, tax-paying citizens. Hopefully many of them -- most of them, I think, stay in New York State. And I find those cuts to be very, very troubling.

I'm also concerned about cuts in

the outyears. I think that is an area that we really haven't dealt with.

There's an obvious need for fiscal responsibility and prudence. And the question is whether the need for this sense of getting our government in order, our budget in order, outweighs the budget cuts that we're asked to vote upon today.

We have two dreadful choices. We have to pick the one that is less dreadful. And in the interests of fiscal stability, Mr. President, I vote aye.

ACTING PRESIDENT BONACIC: Thank you, Senator.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Certainly there's nobody who can be pleased with the totality of the package that has been presented to us today. There are cuts that have been proposed and included in this budget bill that are painful for each and every member of this Senate.

Human nature is such that we always would prefer spending to cutting. The fact of

the matter is that governance is always a challenge. And it certainly is that much more of challenge in difficult fiscal times.

I'm reminded of the quote attributable to Winston Churchill which went something to effect that attempting to tax your way out of a bad economy was something like a man standing in a bucket and trying to lift himself by the handle.

The resolution of our problem unfortunately requires us to take the action that we're taking today. And I would like to join the chorus that has sung the praise of Governor Paterson. He certainly has set the tone. He has acted admirably under the burden of governing in very difficult times. He acted administratively. He called upon us to meet the challenge of finding some additional $600 million in cuts.

And the end product that we have is, as I said, not something that each and every one of us can take enormous comfort in. We can point, I'm sure, to any number of cuts that would displease us, that we might do differently. But the fact of the matter is

that we have to balance our budget.

The $600-plus-million that we have to take care of by the conclusion of this fiscal year is addressed in this bill. The combination of Governor Paterson's administrative cuts and these cuts mean over the next two years in excess of $1.75 billion in cuts.

That, ladies and gentlemen, is what is expected of us, that is what is required of us, that is what we are accomplishing here today.

Mr. President, I vote aye on this measure and certainly hope that this measure passes overwhelmingly and says, to the people of the State of New York: We understand that you are going through challenging times, the state is going through challenging times, and we will make every effort to try and reduce our budgets as you in your respective homes are attempting to reduce yours.

ACTING PRESIDENT BONACIC: Thank you, Senator Saland. Senator Saland in the affirmative.

Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

You and my colleagues know that we are here today because the Constitution of this state gives the governor the power and authority to call a legislature into extraordinary session when he determines issues are of a magnitude that require legislative action outside of the regular session.

What is extraordinary, in my opinion, is the leadership that this Governor continues to show since he first took office in late March. My understanding is this is the first time that a legislature here in Albany has done mid-fiscal-year budget cuts since 1990. Eighteen years have gone by since we have done a midyear course correction.

But as we look at what the Governor has accomplished in his short time in office, we have come to expect the extraordinary on a regular occurrence with him. Three weeks before a budget deadline, he steers a process and guides a budget process that brings a final budget in at a lower spending level --

for the first time in 10 years -- than what was originally proposed by the former governor.

As soon as that process was finished, he went back to his state agencies and said we haven't done enough, you need to cut another 3.35 percent. This summer, with the economy continuing to worsen, he went back to the state agencies and asked for another 7 percent in administrative cuts on top of that but said to the Legislature, I can't do it alone, you have to come back.

And that's why we are here. We have done $427 million in midyear cuts, a two-year benefit of over $1 billion. It takes extraordinary leadership in difficult times. Many of us expect times to get even more difficult before they get better.

And I think we are fortunate in this state to have a governor, in David Paterson, who knows how to lead, who knows how to make difficult decisions. And I for one look forward to continuing to work with him in getting the spending situation under control in this state and getting our fiscal house in

order.

I vote in the affirmative.

ACTING PRESIDENT BONACIC: Senator Valesky in the affirmative.

Senator Perkins.

SENATOR PERKINS: Thank you, Mr. President.

And I want to begin by echoing the introduction of the remarks by my colleague Senator Valesky in complimenting our Governor on his courage and the extraordinary leadership that he's attempting to provide during these very difficult times.

Having said that, though, I'm now going to say that I disagree with his conclusion.

Yes, this is an extraordinary moment, and what's most extraordinary about it is that we're here supposedly to share the pain. But in fact it doesn't look like it's being shared.

You know, in this package we have a whole bunch of cuts typical of which is, for instance, what we're doing with childhood lead paint poisoning prevention, cutting childhood

lead paint poisoning prevention. It was a pittance of a budget to begin with, but nevertheless we're cutting it.

Ten thousand children a year are being poisoned in this state, permanently disabled, and we're cutting that. At the same time, we're leaving prisons open. That's not called sharing the pain. Empty prisons being open, yet childhood lead paint poisoning prevention being cut. To me, that's extraordinary. That's unacceptable.

You know, we have a situation in which the children and families who will participate in the CUNY system, they're being cut. Yet we're told that those who are rich are sacred cows. They cannot be touched.

And so it seems to me that's extraordinary. And that's typical of a lot of what's in this budget and makes it very difficult for me to be able to support it.

I find that we have a great opportunity to begin to move this state in the direction that is most responsive to the people, and that this is an effort towards that end. And I guess there's credit to be

given in that regard.

But I don't think we hit the mark, and so I will be voting no.

ACTING PRESIDENT BONACIC: Thank you, Senator Perkins.

Senator Perkins to be recorded in the negative.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Well, I will be voting yes, though I must say -- and I think everybody feels as I do, that these are very painful choices that we're making here. And nobody can be happy with this. But I guess we see ourselves in an economic crisis where we have to react in a fiscally responsible way even though it may be painful.

And I will agree with Senator Valesky that our Governor has been showing great leadership. And he has taken the brunt of the reductions onto himself, with 50 percent reductions.

And there are certain things that are very painful for me to see, and I can't imagine they aren't painful for everyone. To be reducing school lunches and breakfasts, to

be reducing 50 percent our summer food program, our workforce education, our adult literacy education. What could be more important than literacy and getting people to a position where they can work in our economy? These are very, very painful.

But I think I have to say, on the other hand, that there were many things that were saved that I appreciate. And I agree with Senator Farley. The fact is that our foundation school aid has not been touched and all of our education basic funding has not been touched.

And I recall 18 years ago when we did have a midyear upheaval and we had to reduce our expenses, you may remember what it ask did to our school districts. Our school districts got cut in the middle of the year, and it really was a catastrophe for our school districts. So I am very pleased that that hasn't happened this year.

And I also want to point to another thing which is very important, I think not just in my Senate district, I think throughout much of upstate as well, and that is that we

have been able to preserve the aid to municipalities.

Because shifting these expense to the local property taxpayer is not going to solve our fiscal crisis, because the property tax, at least in my county, is the highest in the United States. And we certainly can't, you know, put an additional burden on them and think that we're going to be helping ourselves fiscally.

Already I know local governments are receiving less assistance from our state agency programs due to the directive, the Governor's directive that did reduce the state operating expense.

So this is a way to provide a steady stream of money that our local governments can rely on. It is beyond the property tax problem now; they are now relying on things like sales tax, which is not a steady, reliable stream.

So I'm very appreciative that at least schools and local aid to municipalities has not been touched. And I think we all recognize that we have a responsibility, as

painful as it is. And that is why I'm supporting this, and I'm sure that's why a lot of my peers are.

ACTING PRESIDENT BONACIC: Senator Oppenheimer will be recorded in the affirmative.

Thank you, Senator.

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

I rise to certainly echo many of the sentiments of my colleagues and to just say that when we were heading up here, our local news station decided to do a poll and the poll was about whether or not we would do anything.

They asked the people whether they really felt that this extraordinary session would be extraordinary at all. They asked whether the Legislature and the Governor could come to an agreement that would really do the kinds of things that New Yorkers expected us to do.

So as I stand here, I'm happy to say that there was a lot at stake. Very much

of that was whether or not we could do the hard things, whether or not we could indeed do our jobs. So I stand here commending my colleagues. I stand here certainly commending the Governor, a Governor who in extraordinary times has been extraordinary.

But it's not a happy day for me. It's not a happy day because, as my colleagues have spoken, there are things on the table that I would have preferred, if my priorities were at the forefront, to have not cut.

I saw the Governor yesterday, and, you know, he said to me: "How are you feeling about this?" And I said, "I'm a little worried."

I'm a little worried because I have a mayor at home who says that if the aid to municipalities is cut, that we will lose police officers, we will lose firefighters, we will lose EMS workers. And he went down a list of what would be cut if the cut to municipalities happened.

I have a district that had to have a spin-up of $20 million to get through this year. I am happy that we were able to leave

the municipalities' aid alone, because I know that if we were to take that money away it would be a thousand more cuts, fires that would not be put out, police services that would not be there.

I am happy that we were able to keep our healthcare system intact. I'm happy that education has not been jeopardized so that we would not steal from the next generation their opportunity.

So there are things in this budget that I am sorry about. But quite frankly, I know that I was sent here to do a job. And we're doing the job that New Yorkers need to do in an extraordinary session in an extraordinary time. I will be voting for the budget.

ACTING PRESIDENT BONACIC: Senator Stewart-Cousins will be recorded in the affirmative.

Thank you, Senator.

Senator Padavan.

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

I don't know who it was, but it was

said a long time ago: "There's no fun being in politics when you don't have money to spend."

And it's even less fun when you're taking away money you've already spent, meaning the budget we adopted and now we're amending.

Many of you have raised issues on different areas, and I share many of them. For instance, I raised the issue of City University, a $51 million cut. I learned that $25 million will be dealt with by virtue of what they already have in a surplus account. And I've asked, Well, what is the impact of the $26 million that remains? And we'll certainly deal with that as best we can.

The good side of it, however, is that there are no cuts to the community colleges. At all. And obviously that is a plus.

I go back to the days when we were here in the mid-'70s dealing with the fiscal crisis of the City of New York. There are only a handful of us left. We were here all summer, extraordinary session after session,

into the fall. And we were doing some terrible things, like raising tuition where there was none at City University, and reforming a system that was totally in shambles, a city that was ready to go bankrupt. And we made all the tough choices that had to be made, and we succeeded.

And then you could go forward in the '80s, when great Governor Carey made his speech, "the days of wine and roses are over," when the state was in a fiscal jam and we had to do some tough things to get us out of that situation. And we did it.

When you reflect back on those particular momentous occasions -- and even after 2001 -- this is not as bad as we have had to deal with in the past. And so we will deal with it appropriately.

The last thing we want to do is raise taxes. We don't want to scare any more people out of New York State, taking their businesses with them. And that's what some people would like to do, kill the goose that's laying the golden egg.

When you look at roughly a third of

our revenue is coming from the top brackets, the millionaires in this state, the ones who are most mobile -- and this is what the Governor has said, and I agree with him. It is also what Mayor Bloomberg has said. Don't force those people away, because they can move and go elsewhere and take all their resources with them.

But let me tell where there are people paying absolutely nothing. You know where Canal Street is, don't you, Senator? Well, there are Canal Streets all over the City of New York and all over the State of New York. They're selling merchandise, ripoffs, everything from pocketbooks to CDs to watches.

And you know what? They don't pay any sales tax. They don't pay any income tax, the entrepreneurs who are making millions, are not paying any corporate tax.

Now, where did this information come from? The comptroller of the City of New York, Bill Thompson. He did a study last year. $2.4 billion lost, between the city and the state, in revenue on this activity.

Now, every once in a while you pick up the paper and you read about a raid on a warehouse and they're emptying out all that stuff. But they're only scratching the surface.

And then we have our Indian tribes -- and of course Senator Nozzolio and others have talked about this ad nauseam -- not paying any income taxes on cigarettes and other things. The minimum is $400 million, some say it's a billion. I don't know what it is, but it's a lot of money.

So if we want to grab the people who are not paying taxes, they're right there in front of us. And the law is there to enforce; we're just not doing it.

But in any event, Mr. President, I applaud everything that's been said here in a positive vein. We will move forward, we will get over this, we will do what we have to do, and there will be a better day ahead.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator Padavan will be recorded in the affirmative.

Senator Serrano, to explain his vote.

SENATOR SERRANO: Thank you, Mr. President.

And I do also want to echo the sentiments of many of my colleagues in applauding the Governor on having the intestinal fortitude to recognize and tackle an issue that is obviously very daunting.

And while I will vote yes on this bill, I do have a certain level -- or many reservations.

I grew up in the 1970s in the South Bronx. A lot of people in this chamber can't say that they did that. And I saw what a fiscal downturn and what mismanagement from a financial standpoint can do to communities. And what was happening in the South Bronx was happening all throughout the state.

And what I learned from that, and now what I believe as an elected official, is that if you really want to lose population, if you really want to lose the core base that you want to keep in any state or any city, is you cut services to the point that people feel

unsafe and they don't feel that they are protected.

So I believe that the way that we go forward with this -- and while I agree that this is just one step, I am not happy with the cuts that we are enacting here today. But going forward, as we continue to tackle this problem, we cannot ignore the fact that, as Senator Perkins said, we must share the pain and spread the pain in a much more equitable fashion to avoid the mistakes that were made in the 1970s.

And if we do not create that fair and equitable tax system, which many people are afraid to talk about, we will continue to have this disparity that exists now.

So when I hear people say, well, if we tax too much, then the rich will leave -- well, where are they going to go? Boise, Idaho? No offense to Boise, Idaho.

But I think that they are in New York because they want to be in New York because New York is the greatest state in the country.

So I think it's important that we

really not be mystified by that process and remember that people are here because of the services that we provide. The minute we start cutting those services to a point that they are no longer effective is when we will lose the very population and tax base that we want to keep.

So I ask my colleagues, as we move forward in this process, to not only look for ways to cut -- and I think we've cut as far as we can go, and we need to start looking for ways to turn around these cuts -- but we have to look to create a fair tax system where the very wealthy in this state, who are protected enormously by tax loopholes and by shelters, that they do their fair share, as all of us are doing more than our share.

I will vote yes.

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

Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Mr. President.

Senator Serrano, I think he hit on a point that's so important. I'm not merely

concerned about everything that was brought to the table, I'm concerned about what was left in the kitchen.

And so many of those who are avoiding paying taxes is hidden away in the cupboards of our state government. We don't want to really acknowledge the fact. Yes, we should go after those who are selling illegal handbags and Coach bags, but we should also go after those who can afford to purchase legal Coach bags.

It is wrong to continue to bring out the surgical, governmental scalpel and cut at the heart and soul of those programs that ensure that many New Yorkers who are basically eking by are not having the opportunity to have a level of productivity in this state. We are the last step towards squeezing hope not only in the hands of people who have given up on government, but many of them have given up on themselves.

Some of them are afflicted with AIDS. Some of them have diabetes issues. Some of them go to or attend school lunch programs not merely because they have a

luxury, but because that's the only meal they receive. And this is the reality.

So when you talk about "those people" -- and 1199, they're not "those people." They are the individuals who sent me to Albany, and they make up a large portion of my district. They are the healthcare employees. They are part of the five hospitals that border the 20th Senatorial District that do not leave when they punch the clock at the end of a 8.5-hour day, they in fact stay there, to infuse money in that economy and in that community.

Those are the individuals that I'm afraid, if we continue to tighten their belt, that we will lose them. I'm not concerned about those who are at the top echelon of our economy stratas, will they flee the great State of New York. Because they won't. We've heard that before.

They must pay their fair share of taxes, just like every other New Yorker, the average, everyday nine-to-five guy. Let's stop the madness in believing that all of a sudden they will have tax flight because we

ask them to pay what John the plumber is paying. That's wrong.

I'm going to vote aye on this bill. I think that is only the beginning. I'm hoping that this is a step towards showing that we're willing to tighten our belt. Now some of the overbloated individuals who are economically strong need to tighten their belt as well.

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

Is there any other Senator wishing to be heard?

I then call upon Senator Libous to close and explain his vote.

SENATOR LIBOUS: Thank you, Mr. President.

Like all of my colleagues, I stand and applaud the Governor for bringing us back to this session and making the very difficult decisions. And I certainly have great respect for even those colleagues who are not supporting this; I understand why.

But, you know, we are in extraordinary session, and these are certainly

extraordinary times. And if you look at some of the tough decisions that we've made in this budget bill, it equates back to people.

You know, I've spent some time traveling throughout the State of New York and certainly with my constituents in the Southern Tier. And as I talk to them, they talk about how they've had to tighten the belt at home -- gas prices too high; if you go to the grocery store, prices continually increasing; home heating fuel contracts being sent out and now these companies are requesting a premium or a lockdown charge of anywhere from $250 to $500 because you can even get home heating fuel.

It puts a tremendous burden on a family trying to raise children. Even buying school clothes this year, they're telling me that the prices continue to go up. If you're a single mother trying to raise children and holding down two jobs, that single mother has had to make some very difficult choices and decisions.

And that's what we're doing today. We have to behave very similar to the way our constituents are behaving at home. They're

tightening their belts. Their salaries aren't going up at the rate that some of the costs to raise a family are going up.

The Governor has recognized this. He's called both houses back. And as Senator Stewart-Cousins said, I think many of our constituents did not believe that we would take a positive action today. I think many of our constituents thought that there would be gridlock here in Albany.

But I am very pleased to stand on this floor, with my colleagues from both sides of the aisle, and coming together and doing what the Governor has asked us to do. While we may not have made the same decisions that Governor Paterson has, at least together, in a cooperative effort, Republicans and Democrats, we have addressed the problem. We have addressed it quickly, and we have addressed it in an orderly fashion.

Now, having addressed the problem means that there's going to be hardship. And many of my colleagues have mentioned the hardship; I'm not going to repeat. Because, as Senator Padavan said, whenever you fund a

program or give money and then you take it away, it would be like you coming to work and then at the end of the week your employer saying I need 20 percent of your paycheck back, and that money was already spent providing for your family. That's what's happening here today.

But these are good decisions. They're tough decisions. And I think that in the long run the State of New York and the people that we serve -- the people who were making those tough decisions before we came back, on a personal level -- I think will be happy with it.

So, Mr. President, I vote aye. And I congratulate my colleagues and the Governor for taking this action today.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1 are Senators Connor, Diaz, Gonzalez, Huntley, Parker and Perkins.

Ayes, 51. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we now return to reports of standing committees for a report from the Rules Committee.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read.

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

Extraordinary Session Senate Print Number 3, Senate Budget Bill, an act to repeal Section 2 of Part P of Chapter 57 of the Laws of 2007 relating to providing funding for certain community projects.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Move to accept the report of the Rules Committee, Mr. President.

ACTING PRESIDENT GRIFFO: All in favor of accepting the report of the Rules

Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator Libous.

SENATOR LIBOUS: Can we now take up the third reading of the Rules report.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 2, Senator Skelos moves to discharge, from the Committee on Rules, Extraordinary Session Assembly Print Number 3 and substitute it for the identical Senate bill, Extraordinary Session Senate Print Number 3, Third Reading Calendar 2.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2, Extraordinary Session Print Number 3, by the Assembly Committee on Rules, an act to

repeal Section 2 of Part P of Chapter 57 of the Laws of 2007 relating to providing funding for certain community projects.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

ACTING PRESIDENT GRIFFO: There is.

SENATOR LIBOUS: I now move that we accept the message of necessity.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity by the Governor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

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.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2 are Senators Connor, Diaz, Gonzalez, Huntley, Parker and Perkins.

Ayes, 51. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, may we please return to motions and resolutions.

ACTING PRESIDENT GRIFFO: Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, I now hand up the following concurrent resolution, ask that the title be read, and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: The Assembly sent for concurrence Extraordinary Session Assembly

Concurrent Resolution Number 2. Senator Skelos moved to substitute Extraordinary Session Senate Concurrent Resolution Number 2 for Extraordinary Session Assembly Concurrent Resolution Number 2.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Extraordinary Session Concurrent Resolution Number 2, relative to the adjournment of the Extraordinary Session of the Legislature sine die:

"RESOLVED, That the Legislature adjourn the Extraordinary Session sine die on August 20, 2008, at the close of business."

ACTING PRESIDENT GRIFFO: All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, that closes the extraordinary session.

I ask that all my colleagues have a safe trip home.

ACTING PRESIDENT GRIFFO: The extraordinary session is hereby closed.

(Whereupon, at 11:44 a.m., the Senate adjourned.)