NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 3, 2010

11:47 a.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT VALESKY: The Senate will please come to order.

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

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

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

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

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, March 2, the Senate met pursuant to adjournment. The Journal of Monday, March 1, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT VALESKY: 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 Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Adams, I wish to call up Senate Bill 6352A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Calendar Number 80, by Senator Adams, Senate Print 6352A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, I now move to reconsider the vote by which the bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT VALESKY: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, I now move to discharge, from the Committee on Finance, Assembly Print Number 9954 and substitute it for the identical bill.

The Senate bill on first passage was voted unanimously. I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Calendar Number 80, substituted earlier by Member of the Assembly Pretlow, Assembly Print Number 9954, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to equine drug testing.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Klein.

SENATOR KLEIN: Mr. President, are there any substitutions at the desk?

ACTING PRESIDENT VALESKY: Yes, Senator, there are substitutions.

The Secretary will read.

THE SECRETARY: On page 11, Senator Volker moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9925 and substitute it for the identical Senate Bill Number 3038A, Third Reading Calendar 61.

On page 12, Senator Thompson moves to discharge, from the committee on Environmental Conservation, Assembly Bill Number 5765 and substitute it for the identical Senate Bill Number 3777, Third Reading Calendar 82.

On page 13, Senator Foley moves to discharge, from the Committee on Banks, Assembly Bill Number 9872 and substitute it for the identical Senate Bill Number 6698, Third Reading Calendar 110.

On page 17, Senator Addabbo moves to discharge, from the Committee on Codes, Assembly Bill Number 602 and substitute it for the identical Senate Bill Number 6724, Third Reading Calendar 156.

And on page 17, Senator Fuschillo moves to discharge, from the Committee on Health, Assembly Bill Number 5320A and substitute it for the identical Senate Bill Number 629A, Third Reading Calendar 164.

ACTING PRESIDENT VALESKY: Substitutions ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time I would like to recall Senate Resolution Number 3331, which was previously adopted on January 12th.

I ask that the resolution be read in its entirety and give Senator Andrea Stewart-Cousins the opportunity to speak on

her resolution.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Stewart-Cousins, Legislative Resolution Number 3331, mourning the death of Yonkers Fire Department Firefighter Patrick Joyce, Jr.

"WHEREAS, A great state is only as great as those individuals and their organizations who perform exemplary service on behalf of their community, and it is the custom of this Legislative Body to pay tribute to that outstanding service; and

"WHEREAS, Patrick Joyce, Jr., was born in the Riverdale neighborhood of the Bronx, New York, to a family that loved him dearly, and in that tradition he built a life and family in Eastchester, New York, with his loving wife, Tara, and their daughters, Isabella and Charlotte; and

"WHEREAS, A veteran firefighter of 16 years, Patrick Joyce, Jr., exhibited a tremendous passion for his work and a love for the community he served. He is remembered by all for his kindness, professionalism, and

humor. And in addition to his duties as a Yonkers firefighter, assigned to Rescue 1, he was also an entrepreneur, the proprietor of the Dunwoody Golf Course, and a visionary who believed in a promising future for the City of Yonkers and its waterfront; and

"WHEREAS, City of Yonkers firefighter Patrick Joyce, Jr., heroically gave his life in the line of duty while fighting a fire on October 2, 2009; and

"WHEREAS, A loving and devoted husband, father, son, brother, friend and fellow firefighter, Patrick Joyce, Jr., is survived by his parents, Patrick and Kathleen; his wife, Tara; his daughters, Isabella and Charlotte; his brother Martin and twin brother Peter, sisters Deborah, Julianne, and Katie, and many loving family members and dear friends; and

"WHEREAS, Throughout his life, Firefighter Patrick Joyce, Jr., touched so many through his kindness and commitment to public service. And in this time of such loss, the entire community joins together to memorialize his remarkable life and the

immense impact he had on everyone with whom he came in contact; and

"WHEREAS, This Legislative Body pauses to pay tribute to the immense sacrifice that City of Yonkers Firefighter Patrick Joyce, Jr., has made, and to honor this sacrifice and offer comfort and prayers to his family and many friends; and

"WHEREAS, The countless lives that have been influenced by this remarkable man will ensure his lasting legacy, and his sacrifice will not be forgotten. Firefighter Patrick Joyce, Jr., will prefer be honored and his memory will always be cherished; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of Yonkers Fire Department Firefighter Patrick Joyce, Jr., whose memory will remain in the hearts of all those who had the honor of serving with him; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the family of Firefighter Patrick Joyce, Jr., and the Yonkers Fire Department."

ACTING PRESIDENT VALESKY: Senator Stewart-Cousins, on the resolution.

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

I look up and look at the family, and we heard the very, very tragic story of how Patrick Joyce, in the line of duty, sacrificed his life for others.

And the resolution makes us all very, very sad because we understand what a tremendous loss such as this one means -- not only to the family, but to the entire community. We know that when we send people out to protect us, there's always that possibility that they may not return. But most of us never really think of it until a day like this, like the one we experienced on October 2, 2009.

When this 39-year-old firefighter plunged to his death when he tried to rescue people he thought were in a house, the whole community stopped and the whole community embraced the family that you see up above us.

And while we mourned, the only thing we heard were the stories of "the Irish

Prince," Patrick Joyce. And as much as we were sorrowful when we heard how every moment of his life -- not only on the job, but every moment of his life -- was dedicated to the support of his beautiful wife, Tara, and the children, Isabella and Charlotte, and his mom and dad, who are with us, Patrick and Kathleen, and all of his brothers and sisters, sister-in-laws, nieces, everyone.

And then it extended even beyond that. He was an entrepreneur. He was a man who was making lives better on every level. And any time anybody needed something fixed in the family, it was Patrick who would come to do that. There was never a moment that he wasn't giving.

And when that fateful day happened, there was no end to what the outpouring of an entire community gave back to that family. And so from Riverdale, where he was born, all the way through Westchester County, thousands of people came to embrace the Joyces because of the legacy of Patrick.

And although we were not in session during that tragic period, in January this

body passed a resolution. But we didn't want to pass it without inviting you to be part of it -- and in a time where, yes, we can celebrate his life and give respect to the fact that there was a loss, but also let you know that the family extends far beyond the boundaries you could ever imagine. That the family is a New York State family, and that his legacy, represented by you, is something that we all cherish. And that what he did is representative of so many who every day go out and we all hope return safely but know they're there to do a job for us.

So as we give you this tribute and this resolution, it is also not just a mourning but a celebration of his life, and gratitude for all that you've given to us in your strength, your dignity, in your joy in spite of it all, and your willingness to be here to show us that we do go on, we do move on, and we celebrate even new life in the person of Leila, who's there with us who's only one week old.

Thank you so much. God bless you. Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: And of course I would open the resolution to the entire body.

ACTING PRESIDENT VALESKY: Thank you, Senator Stewart-Cousins.

Senator Klein, on the resolution.

SENATOR KLEIN: Thank you, Mr. President.

I want to thank my colleague Senator Andrea Stewart-Cousins for bringing this resolution before us today.

It's unfortunate that the only time, in many cases, we celebrate the life of a brave firefighter like Patrick Joyce is upon his death. And I know this is a man who dedicated his life to the Yonkers Fire Department for 16 years, dedicated his life to his family and his community. And it's unfortunate that we're only talking about it now.

But at the same time, I think it is worth mentioning that he's someone who touched many, many lives, not only his job in the

Yonkers Fire Department, but his family and friends.

He grew up in the Riverdale section of the Bronx, he lived his life with his wonderful family in the Town of Eastchester, in Westchester County, which I represent.

And I wish there was something more that we can do in this legislative session. I wish there was a way we can do more for his family, his lovely wife, his mother and father, his children. But unfortunately, we can't. But what we can do is recognize his memory, recognize all he did for his community and his country.

And I know he's looking down at us today with a smile, not only because he's being recognized -- which I don't think he would care about that, because he got up every day and he did a job because he had to do that job -- but I think he would smile because his family is all here today. And I know it's a family he loved very, very much.

So thank you, Andrea Stewart-Cousins, for recognizing a very brave firefighter, Patrick Joyce.

ACTING PRESIDENT VALESKY: Thank you, Senator Klein.

Are there any other Senators who wish to be heard on the resolution?

At this time I would ask all Senators in the chamber and guests, staff and guests, to please rise and offer a moment of silence to honor the memory of Yonkers Firefighter Patrick Joyce, Jr.

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

ACTING PRESIDENT VALESKY: As Senator Stewart-Cousins has indicated, the resolution is open for cosponsorship. Anyone wishing not to be a sponsor of the resolution should notify the desk.

And the resolution was unanimously adopted on January 12th.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we please move to a reading of the calendar.

ACTING PRESIDENT VALESKY: The Secretary will proceed with a reading of the active-list bills on Senate Calendar Number

15.

THE SECRETARY: Calendar Number 28, by Senator Perkins, Senate Print 1145C, an act to amend the Environmental Conservation Law, in relation to --

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 83, by Senator Thompson, Senate Print --

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 100, by Senator Breslin, Senate Print 4116, an act to amend the Insurance Law, in relation to investments.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 105, by Senator Aubertine, Senate Print 6318, an act requiring the State Fire Prevention and Building Code Council to implement.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 114, by Senator Adams, Senate Print 3815, an act to amend the Military Law, in relation to authorizing additional paid leave.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 126, by Senator Sampson, Senate Print 3528A, an act to amend the Estates, Powers and Trusts Law, the General Obligations Law, and the Mental Hygiene Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 136, by Senator Dilan, Senate Print 3625, an

act to amend the Vehicle and Traffic Law, in relation to retention.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 138, by Senator Foley, Senate Print 6459, an act to amend the Highway Law, in relation to designating.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The

bill is passed.

THE SECRETARY: Calendar Number 142, by Senator --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 143, by Senator Stavisky, Senate Print 5857, an act to amend the Workers' Compensation Law, in relation to rule-making.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 145, by Senator Valesky, Senate Print 6268, an act to repeal the closing paragraph of Section 173 of the Agriculture and Markets

Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 155, by Senator Duane --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 159, by Senator Aubertine, Senate Print 4844, an act to amend the State Finance Law, in relation to reducing.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 162, by Senator Klein, Senate Print 5841A, an act authorizing the Commissioner of General Services to sell certain land.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 169, by Senator Valesky, Senate Print 5722, an act to amend the Vehicle and Traffic Law, in relation to excluding.

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 172, by Senator --

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 174, by Senator Squadron, Senate Print 5577 --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day.

Senator Klein, that completes the noncontroversial reading of the bills on today's active list.

SENATOR KLEIN: Mr. President,

can you please recognize Senator Foley regarding a previously passed bill, Senate Bill Number 6459.

ACTING PRESIDENT VALESKY: Senator Foley, to explain his vote.

SENATOR FOLEY: Thank you, Mr. President.

It's indeed an honor today to sponsor this legislation that renames a portion of the state highway system as "Corporal Paulo Marko Pacificador Memorial Bridge."

Corporal Pacificador Memorial Bridge is located on the William Floyd Parkway passing over Route 127 in Shirley. It will be an homage to Corporal Pacificador, who served our country with great courage and bravery.

On August 13, 2007, Corporal Pacificador was killed in hostilities in Iraq. He was just 24 years of age. Posthumously, he was awarded the Bronze Star and the Purple Heart for his valor and sacrifice to our country.

He is survived by his fine parents Mr. and Mrs. Jose Pacificador, of Shirley.

While I was supervisor, I had the distinct honor to visit their home to speak with them about their loss.

Nothing, obviously, that we do today will bring Corporal Pacificador back in our lives, and no tribute will ever come close to repaying the great debt that our nation owes to Corporal Pacificador and all those who have paid the ultimate sacrifice to protect the United States. However, memorializing this bridge is one way that we can express our appreciation for his service and a promise that we'll never, never forget that the service of Corporal Pacificador will always be remembered by all of our constituents and residents of New York State.

We're grateful for his service. We thank him for his years of service to our country and to his family. And again, this memorial bridge is one way that we can say thank you to his family. And they'll have a small token of relief in the fact that we in New York State are highlighting his great sacrifice and that every time we cross that very busy bridge, it's to remember a very fine

citizen and son of our state.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Senator Foley to be recorded in the affirmative.

Senator Klein.

SENATOR KLEIN: Mr. President, can we return to order of motions and resolutions.

I believe Senator Sampson has a resolution at the desk. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, can we please stand at ease.

ACTING PRESIDENT VALESKY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 12:10 p.m.)

(Whereupon, the Senate reconvened at 12:12 p.m.)

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, can we return to the order of motions and resolutions. I believe Senator Sampson has a resolution at the desk. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT VALESKY: Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Sampson, concurrent resolution establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2009-2010 state fiscal year for grants that are incurred by local government agencies and/or not-for-profit providers or their employees providing civil or criminal legal services; for grants in aid for drug, violence and crime control and prevention programs; and for grants that prevent domestic violence or

aid victims of domestic violence, as required by subdivision 5 of Section 24 of the State Finance Law.

ACTING PRESIDENT VALESKY: Senator Bonacic, on the resolution.

SENATOR BONACIC: Thank you, Mr. President.

I'm going to stand in opposition to this resolution for two reasons.

I believe in the fall of last year this resolution was addressed, and a majority of the members here supported the resolution, including myself. But things have changed from the fall of last year to now, in terms of our fiscal crisis, in terms of how we've got to prioritize state spending. And I do believe that there are more important things that we can spend this money on than those itemized in this resolution.

The second reason I stand and oppose this resolution is because, according to our new rules, which we adopted in January, we said that state resources were going to be distributed more fairly and equally to all of the members throughout the State of New York.

And I think when you look at this resolution, if we're going to spend the money, it's keyed only to a handful. And that is contrary to the spirit of the new rules that we adopted in January of 2010.

For those two reasons, I'm going to vote no. Thank you, Mr. President. And not only on this bill -- this is the Byrne money, and I understand the second resolution is on bullet aid. And for the same reasons, I'm going to vote no.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Bonacic.

Senator DeFrancisco, on the resolution.

SENATOR DeFRANCISCO: Yes. It's now March 3rd; it's been almost a month since the Governor has presented us with his budget. And to today there's been absolutely no activity towards trying to resolve that budget situation.

Even more concerning to me is that there is a legislative law that says 10 days after the budget is presented to us, there has

to be a determination, an announcement of conference committees to openly discuss the budget between the Assembly and the Senate and also the composition of those committees and a schedule for that activity, the open discussions of budget components by members, rank-and-file members.

You know, last year that was totally ignored. Despite the promise that we were going to have a new and improved reform system, it was ignored. A budget came out out of a private meeting between the three leaders from New York City, and we had a yea or nay vote on it.

This year I want to make it very clear that at least the people on this side of the aisle aren't going to tolerate that. And this is an opportunity to vote no on this particular part of a spending plan when we haven't even started the procedure for an open, honest debate about the various components of what the budget should be like.

So we're starting today -- and I'm sure you're going to hear this again -- we need the conference committee law abided by.

We're not looking for reform, we're not looking for change. We're looking for abiding by the law as it exists that many of us in this house on both sides of the aisle -- I think everybody on both sides of the aisle that were there when it was passed -- voted for.

So I'm going to vote no on this because it's a spending plan that's a segment of our spending. And we shouldn't be spending anything until we start the conference committee meetings and see where the money has to be cut and where we can restore various things depending upon the revenues that are available.

So I'm going to vote no on this resolution. Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator DeFrancisco.

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

(The Secretary called the roll.)

SENATOR MARCELLINO:

Mr. President, to explain my vote.

ACTING PRESIDENT VALESKY:

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Yes, Mr. President, I will be supporting these resolutions.

But I would also like to add my voice to what Senator DeFrancisco said relative to the process of the conferences. Today is the 10th [sic]; by law, revenues should have been established, we should have a number to deal with so that we know what we're talking about relative to the budget. Conference committees should be set up. I'm looking forward to them, willing to participate. And I'm hoping that the process will be different this year than it was last year so that we can have a truly bipartisan budget and one that we can all get behind and vote for.

I don't see the process occurring. I think it's a mistake if we go forward and do the same mistake and make the same mistake we made last year. This is a time we could do something different. We should be focused on this budget. We're not, apparently; other things are getting in the way.

I urge that we get down to business and the business of the people, and that is doing a budget on time.

Thank you, Mr. President. Again, aye on the resolution.

ACTING PRESIDENT VALESKY: Senator Marcellino to be recorded in the affirmative.

Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you. I rise to support this bill.

I don't disagree with my colleagues who are raising concerns about process and budget. I have any number of recommendations I'm hoping that this house will support for change in the process of the budget.

But the fact is we have debt obligations, that we need to make sure the state is on time with completing its obligations to make sure that government continues, that we continue to show to the state, to the voters, and to the people who we have borrowed money from in the past that we are fully capable, prepared, and on time in

completing our obligations.

So I recommend a yes vote by all. Thank you.

ACTING PRESIDENT VALESKY: Senator Krueger to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative are Senators Bonacic, DeFrancisco, Farley, O. Johnson, Lanza, Ranzenhofer, Robach, Saland and Winner. Also Senator Libous.

Ayes, 49. Nays, 10.

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe Senator Smith has a resolution at the desk. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT VALESKY: Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Smith, concurrent resolution establishing a plan setting forth an itemized list of grantees for certain appropriations for the 2009-2010 state fiscal year, as required by subdivision 5 of Section 24 of the State Finance Law.

ACTING PRESIDENT VALESKY: Senator DeFrancisco, on the resolution.

SENATOR DeFRANCISCO: Yes, I'm going to vote no for the same reasons that I stated in the last resolution.

But there's one other thing I'd like to add in response to what Senator Krueger mentioned, that she has many, many different ideas on how to reform the system.

You know, we've been using that term "reform" so very loosely, and it's almost a cure-all, the end-all and the cure-all for everything. The fact of the matter is the budget system process was reformed. A bill was passed requiring open committees to be

announced and scheduled 10 days after the Governor provided us his Executive Budget.

We haven't done that. And we can't complain that it's the Governor fault because he's got all kinds of trouble and we've been distracted in some way. It's the Legislature's responsibility to do this.

So we can ask for all the reform we want, but we reformed the system, it wasn't followed, the law was violated last year. Before we spend any more money, we've got to get the process going the way it should be going so a budget can be done in an open and fair manner.

I'm going to vote no on this.

ACTING PRESIDENT VALESKY: Thank you, Senator DeFrancisco.

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

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: Those recorded in the negative are Senators Bonacic, DeFrancisco, Farley, O. Johnson, Lanza,

Libous, Little, Ranzenhofer, Robach, Saland and Winner.

Ayes, 48. Nays, 11.

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Hassell-Thompson, there will be an immediate conference of the Senate Majority in the Majority Conference Room.

Would you please recognize Senator Libous for his announcement.

ACTING PRESIDENT VALESKY: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Skelos, we hand up the following committee appointment to be filed.

And there will be an immediate Republican conference following session.

ACTING PRESIDENT VALESKY: Immediate conferences of the Majority and the Minority immediately following session.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The desk is clear.

SENATOR KLEIN: There being none, Mr. President, I move that we adjourn until Thursday, March 4th, at 11:00 a.m.

ACTING PRESIDENT VALESKY: On motion, the Senate stands adjourned until Thursday, March 4th, at 11:00 a.m.

(Whereupon, at 12:24 p.m., the Senate adjourned.)