NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:47 p.m.

REGULAR SESSION

SENATOR NEIL D. BRESLIN, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

ACTING PRESIDENT BRESLIN: Today's invocation will be provided by the Rabbi Shmuel M. Butman, from the Lubavitch Youth Organization in Brooklyn, New York.

Rabbi.

RABBI BUTMAN: Let us pray.

[In Hebrew] Our heavenly Father, please bestow Your heavenly blessings on all the members of the New York State Senate, for themselves, for their families. Bless them with good health and with happiness, with fulfillment in all of their endeavors.

This week we are celebrating the 108th birthday of the Rebbe, the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson. And many years in the past, as this year, you are -- you passed in the past and you will pass this year a resolution in the honor of the 108th

birthday of the Rebbe. The resolution calls for "108 Days of Education" in honor of the Rebbe.

When the Rebbe spoke about education, he didn't only speak about education of the Jewish child, he spoke education of the general child, of all the children of the world. In the teachings of the Rebbe, the Rebbe said many times that we should teach our children, all children, regardless of race and religion and color and creed, that there is an Eye that sees and there is an Ear that hears, and that this world is not a jungle.

And the Rebbe dedicated his life to education, and he's asking for each and every single one of us to continue to do that.

Here in the United States, in the New York State Senate, you pass laws that govern relationships between man and man -- that a person has to be responsible for what he does, that a child has to know that you cannot do what you want, you only have to do what is right -- through the New York State Senate.

Those laws are then interpreted by all the people in the United States of America, and through the United States of America. The United States of America is a superpower. Those laws have an effect for all the people of the world. So you who sit in the New York State Senate here in Albany have an effect not only on the people in Albany, not only on the people in the great State of New York, and not only on the people in the United States of America, but indeed on the people all over the world.

In 1991, I went to Washington and I opened the United States Senate. Before I went to Washington, I went to see the Rebbe, and he said to me: "Take with you a pushkeh" -- a pushkeh is a tzedakah box, a charity box that I'm holding in my hand -- "and while you are making the invocation, you should put in a dollar, charity, into the box," which I am doing right away.

And the Rebbe said, "Make sure that everybody should see what you are doing, and let them know what money should be spent for." This was 1991.

In retrospect, you take a look at what's happening in Washington and what money has been spent for, what the Rebbe said so many years ago, that there is a message that we should know what we should spend money on, that this is a matter of charity. We do a good deed, we try to help another human being.

Every Saturday, every Shabbos, every Sabbath in our synagogues we say a special prayer for each and every single one of you. We say the [in Hebrew], which means "All of those who serve the public faithfully, we ask Almighty God for His special blessing."

So in our synagogues not only in the State of New York, but all over the world, we ask for a special blessing for you who serve the public, that Almighty God should keep you, that Almighty God should watch over you and your families, and He should grant you good health, long life, happiness and fulfillment in everything that you do, in your personal lives and in your communal affairs.

And let us all say amen.

(The assemblage said "Amen.")

ACTING PRESIDENT BRESLIN: Thank

you, Rabbi.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Sunday, March 21, the Senate met pursuant to adjournment. The Journal of Saturday, March 20, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BRESLIN: 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, I believe there's a resolution at the desk by Senator Sampson. I ask that the resolution be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT BRESLIN: 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 BRESLIN: The Secretary will then read.

THE SECRETARY: By Senator Sampson, legislative resolution commemorating the anniversary celebration of the birthday of the revered Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, upon the occasion of a memorial reception to be held in the New York State Capitol on March 22, 2010.

"WHEREAS, The true architects of society and community are those individuals whose faith and unremitting commitments serve to sustain the spiritual and cultural values of life. The Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, was surely such an individual; and

"WHEREAS, World Jewry will honor its immortal leader, Rabbi Menachem M. Schneerson, the Lubavitcher Rebbe, upon the

occasion of the anniversary of his birthday, with '108 days of education,' in fitting tribute to this esteemed spiritual leader; and

"WHEREAS, The Lubavitcher Rebbe, over his 44 years of dedicated leadership, established over 1,500 Lubavitch Centers, helping people of all walks of life throughout the world, from Australia to Africa, from Holland to Argentina, and from Moscow to Jerusalem; and

"WHEREAS, Rabbi Schneerson's educational activities throughout the globe have enriched and strengthened the religious, educational, cultural, moral and ethical fibers of all citizens of the world; and

"WHEREAS, The Rebbe proclaimed that the time of Redemption has arrived and Moshiach is on his way; and

"WHEREAS, The Lubavitcher Rebbe called upon all citizens of the world to prepare for the Great Redemption with a personal commitment to increase charity and good deeds; and

"WHEREAS, A memorial reception will be held at the New York State Capitol on

Monday, March 22, 2010, in tribute and remembrance of Rabbi Schneerson, the leading rabbi of his generation; and

"WHEREAS, This year, Friday, March 26, 2010, corresponding to 11 Nissan, 5770, the Rebbe's birthday, to Sunday, July 11, 2010, corresponding to 29 Tammuz, 5770, will be celebrated as '108 Days of Education,' in tribute to the educational endeavors of this visionary leader and learned gentleman on behalf of all mankind; and

"WHEREAS, Throughout his purposeful journey of life, Rabbi Schneerson compiled, with dignity and grace, decades filled with philanthropic causes, humanitarian effort and astute Judaic leadership, justly earning the devotion of his followers and the admiration and respect of his fellow man; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the traditional observance of the anniversary of the birthday of the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, upon the occasion of a memorial reception to be held in

the New York State Capitol on March 22, 2010, and to recognize March 26, 2010, to July 11, 2010, as '108 Days of Education,' in tribute to the educational endeavors of the beloved Rebbe; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Rabbi Shmuel M. Butman, director of the Lubavitch Youth Organization."

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

Senator Sampson has requested that everyone in the chamber will be put on for cosponsorship unless you notify the desk otherwise.

Thank you, Rabbi.

RABBI BUTMAN: Thank you very, very much. Thank you. Thank you.

ACTING PRESIDENT BRESLIN:

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a resolution at the desk by Senator DeFrancisco. I ask that the title of the resolution be read and move for its immediate adoption and allow Senator DeFrancisco to speak on said resolution.

ACTING PRESIDENT BRESLIN:

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 BRESLIN: Thank you, Senator Klein.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President. Again, we're rising to acknowledge a championship football team --

ACTING PRESIDENT BRESLIN: Excuse me, Senator DeFrancisco. Just one moment.

The Secretary will first read the title of the resolution.

SENATOR DeFRANCISCO: Oh, okay.

THE SECRETARY: By Senator DeFrancisco, legislative resolution congratulating the Westhill Football Team and Coach Gary Griffo upon the occasion of capturing the 2009 Class B Section III and the Class B Regional Championships.

ACTING PRESIDENT BRESLIN: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

Again, we're here to acknowledge the success of a Central New York championship team. And I met all of these young men on a prior occasion, and today we had lunch together.

And what's very wonderful about this particular group, it's not only their success on the football field, with an 11-and-1 record -- and by the way, some of the players are on the basketball team which this weekend won the state championship. So there's a few good athletes in the 49th Senate District.

And those athletes don't come -- some are born to be good athletes, but to

become a great team, you need team spirit and a team philosophy. And that's exactly why they're here.

But one thing I want to read you about the resolution, very, very briefly. Not only did the team win this championship, but they received the New York State Scholar Athlete Team Award. Not an individual award for various people who do well in academics, but the team award. And that is just as important, I believe, academically as the athletic award is for these championships that they have won.

So I want to thank them for coming, congratulate them on their success, and wish all of them the success that I know they're going to achieve in the rest of their lives through the same hard work and dedication that they've shown up to this point in their lives.

And I know you ran into Senator Maziarz, some of you did, on the elevator. He said something about North Tonawanda. I'm not so sure where it is, either.

(Laughter.)

SENATOR DeFRANCISCO: They don't

come here very often to be awarded anything. But Westhill and all the great teams in Central New York are here often.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator DeFrancisco.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

I too want to join my colleague Senator DeFrancisco in congratulating this, the second football team, the second championship team we've had here. The first, of course, was from North Tonawanda, which is God's country, Senator DeFrancisco.

Thank you.

(Laughter.)

ACTING PRESIDENT BRESLIN: Thank you, Senator Maziarz.

The question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

Congratulations to the Westhill Football Team.

(Applause.)

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a resolution at the desk by Senator Sampson. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT BRESLIN: 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 BRESLIN: The Secretary will read.

THE SECRETARY: By Senator Sampson, Senate Resolution adopting a budget resolution proposing amendments to the 2010-2011 Executive Budget submission

(Legislative Bills Senate 6600A, 6601, 6602, 6603A, 6604A, 6605A, 6606A, 6607A, 6608A, 6609A, 6610A, 6611A, 6612A, 6613A, 6614A, and Senate Print 6615A).

SENATOR LIBOUS: Mr. President, could I ask that this resolution be laid aside for discussion, please.

ACTING PRESIDENT BRESLIN: The resolution is laid aside.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: We will now move to the controversial reading of the resolution.

The Secretary will read the title.

THE SECRETARY: By Senator Sampson, Senate Resolution adopting a budget resolution proposing amendments to the 2010-2011 Executive Budget submission.

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Thank you, Mr. President.

On this budget resolution, if we can just sit back and reflect for a few moments, odd as it may be, this is March 22nd and we have on the floor today a resolution that is in balance that presents a road map for this year's Executive Budget.

This is without a doubt one of the most difficult budgets any member of this chamber will have worked on in our history. However, despite the daunting economic challenges facing New York and our country, this budget is about priorities. It is about doing everything within our power to enact a fair, bipartisan, and responsible budget which controls spending, creates new jobs, protects services, and a budget that communities can rely upon.

This resolution is a statement of New Yorkers' values. The public was more involved in this process than, at least in my memory, in the 16 years that I've served in this chamber. Our joint budget hearings were some of the most robust that ever took place, and they were in the most active in our history.

Over 13 hearings were held. We collected more than 120 hours of verbal testimony from more than 300 taxpayers, from organizations, from advocates, and from leaders from communities across our great state. We received thousands upon thousands of responses. We received emails and phone calls. There was a give-and-take between the parties. But the message was always very clear, it was very succinct, and it was on the point -- that they could not afford the fiscal irresponsibility of the past decades. Too often they were left with the bill for Albany's unsustainable spending.

We heard them, we listened carefully, we understood the message, we understand the global meltdown that our world is facing, that our nation has looked straight at, and that our state must deal with. We took that challenge, and we've embraced it. And in the process of embracing it, we've taken that challenge and turned it into real opportunity.

Now we're ready to begin a bipartisan process, a bipartisan process of

conference committees, as the first step to respond to the Governor's proposed budget. We recognize the need for conversation, for ideas, for dialogue and for proposals. That's why this is what it says it is: It's a resolution. It's a road map to victory.

It's a road map that says that we as legislators in this house have the shared responsibility on both sides of the aisle to recognize the mistakes of the past and to build a strong economic foundation for the future. It is the time for a sensible plan to be put on the table of what has to be done.

This resolution puts people back to work through a comprehensive jobs program that will attract new businesses and support new business owners while trying to grow and succeed both in their own endeavors and support their families. It will provide the first step of relief for overburdened homeowners, with property tax relief for seniors and a long-range plan for property tax relief for all New Yorkers in the future.

We recognize that New Yorkers can no longer afford additional tax burdens, and

we oppose all of the Governor's tax increases.

The proposal that we make today demonstrates that we can do more with less and begins to shrink the size and scope of government so that all New Yorkers that have to for over decades of runaway spending that have created costly and inefficient bureaucracies will ultimately be brought into control.

We prioritize the services that New Yorkers treasure and the critical programs that they rely upon most. It also makes difficult but fair reductions in spending that we cannot afford.

The budget, in principle, has several component parts. I'll go through them and then we will be able to address them in more greater detail.

The spending plan is a General Fund of $50.3 billion, which is the same as the Governor's 21-day plan. General Funds increased spending by approximately a billion dollars between 2009 and 2010 because the Governor rolled a $1.4 billion projected deficit into fiscal year 2010-2011.

Our budget resolution calls for All Funds of $136.2 billion, $100 million or 0.1 percent greater than the Governor's budget. All Funds spending increased by $3.1 billion, or 2.3 percent over 2009-2010. Of this $3.1 billion increase, $2 billion comes from increases at DOT and for payments of principal and interest -- and listen to this -- on the state debt that was accumulated and was restructured as part of the 2005 bonding restructuring.

Taxes and revenue are rejected. We rejected $1.1 billion worth of the Governor's proposed tax increases. The tax on syrup, $465 million, is rejected. The cigarette tax of $210 million is rejected. Wine in the grocery stores, for $253 million, is rejected. And the GRT on healthcare providers of $216 million is rejected.

We offer tax relief. We propose that we provide more than $500 million of real property tax relief by rejecting cuts to STAR of $213 million and have added STAR tax rebate checks of $291 million.

On the restoration side, we

restored cuts to SUNY and CUNY community colleges worth $57 million. We restored $75 across the board on the TAP reductions, worth $17 million. We restored the closure of 57 state parks and reduced operations at 21 additional state parks, for $11 million. We restored $20 million for senior citizen and child care out of Title 20 funds. So in New York City, when the mayor said that we were going to have to close 21 senior centers across this state because of the Governor's budget, this resolution provides the funds necessary to keep those centers open and operating.

I think that's the salient point that we have to make today. The combination of cuts and restorations provides what we need to go forward with a strong agenda, recognizing our obligation to downsize government without destroying the very fabric of our middle-class tax base and our senior needs and the healthcare community as well.

We accepted revenue-generating actions that provided an additional $100 million to the budget. The PIT

nonresident allocation gains $30 million. A mixed martial arts program, a simple $2.1 million. We included in the New York City Housing Development Corporation a business integrity commission for $3 million. We allow for a statistical sampling audit at $8 million. We increase certain civil court filing fees for $31 million. Permit and speed enforcement cameras of $25 million. We dissolved the Genesee Valley Regional Market Authority for $12 million.

Revenue actions that do not generate funding but at the same time alleviate state responsibilities are also part of this dynamic resolution. It eliminates the state's role in dog licensing for minus 76. Repeal the state centralized procurement contract fees, minus 3.3. Enhance low-income housing credit, minus 4. Allow for streamlined sales on the Internet, minus 375.

On the health side, savings of $335 million more than the Governor proposed. We accepted the Governor's proposal to increase the Medicaid fraud audit target from $870 million to $2.1 billion, which will save

the state an additional $200 million, more than the Governor's $300 million in his original fraud projection savings -- a total of $500 million in total savings.

We reduced management care premiums by $61.4 million. We discontinued the Medicaid HCRA trend factor for $99.1 million.

Additionally, the Senate Majority has taken the initiative for additional savings. We've implemented an autism legislation with passage -- Senate 7000 -- that will save $15 million. We eliminated a COLA for community health programs, $28.9 million. We enact a Medicaid re-estimate of $302 million. And we enact personal care additional utilization reviews of $10 million.

We reject out of the Governor's proposal redirect utilization of personal care, elimination of Medicare Part D wraparound, the Insurance Department prior approval for Medicaid and Family Health Plus, a CHIP prior authorization, and we eliminate special optional services.

On the education side, we accepted

the $2.2 billion in savings for education, $1.4 billion and then higher education an additional $800 million. The Senate in its resolution rejects community college base aid, $56.7 million. Seventy-five dollars across the board TAP reductions of $16.5 million. A new TAP schedule for a two-year program of $68 million.

Additional savings that will be garnered out of this resolution further go towards dealing with our State University system. The SUNY-wide programs would be reduced by $15.3 million. CUNY-wide program reductions equal $14.5 million. We expand gaming options to fund education by $100 million.

As we go forward in this process, we have to recognize that we're dealing with the fact that New York is in trouble. But for years, Albany has done nothing. For decades, this house has agreed to and has spent well beyond its means. This house for 30 years, under both the administration of George Pataki and Senator Joseph Bruno, has had wild and misplaced spending, spending that today puts

us very well in the position that we are faced with.

We have to recognize the fact that in the last previous DRP and the one before that, we took a pledge and a promise to every New Yorker that said that we would not have midyear cuts to health and education. And we lived up to that commitment.

But nevertheless, in previous years, this house has spent more than we have had, and we've stuck the people with the bills.

We need a fair and responsible bipartisan budget this time. New Yorkers can't afford more than what they already are paying. We can't spend more than we make, and we can't make more than we already have without building jobs, without rebuilding the economy, without reshaping the way government functions. And that's what this road map towards responsible budgeting is all about, making smart cuts and smart choices.

We have to find common ground in a bipartisan way for the crisis that we all face. These choices are not going to be easy,

but neither are the choices facing families across this state. We have to balance our checkbook the same way as a family has to balance theirs.

Bottom line, we can't spend more than we have, and we can't shift our burden any more to the taxpaying public. We can't let New York become California.

This is our first step, and it will give us an opportunity to move forward with conference committees and with a bipartisan approach.

I offer today to my colleagues a new opportunity, forged with challenge, but at the same time respective of our common needs. If we join hands on both sides of the aisle in that partnership, if we galvanize our thoughts and our very beings to see that we are sent here to do the right thing, the responsible thing, and the fair thing for people that otherwise might not speak for themselves -- the poor, the sick, the elderly, children, the developmentally disabled -- if we can put together all of those elements in a collective, cohesive, comprehensive plan,

joining with the Assembly and with the support of the Governor, we can find a new tomorrow that's filled with light and hope, a tomorrow that we can build on, a tomorrow that we can say with absolute certainty that regardless of this generation and generations that we will never know, met with the challenge, this house seized the opportunity and joined hands to be people that truly make a difference.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Kruger.

Senator Klein.

SENATOR KLEIN: Mr. President, upon unanimous consent, I ask that the roll be opened for the privileged resolution so Senator Schneiderman can vote on the said resolution.

ACTING PRESIDENT BRESLIN: The Secretary will call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Senator Schneiderman.

SENATOR SCHNEIDERMAN: I vote

aye.

ACTING PRESIDENT BRESLIN: The roll call is withdrawn.

The resolution is before the house.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you very much, Mr. President. I will be brief.

My colleague Senator Carl Kruger talked about the importance of passing this budget resolution in a bipartisan way to ensure that we can move forward with the budget process in a timely way. I will simply state that for Senator Carl Kruger and Senator Liz Krueger to agree on anything as complex as this clearly is a bipartisan agreement.

(Laughter.)

SENATOR LIZ KRUEGER: I am a liberal Democrat. This is a budget that is cutting many things I care about. But I know that the State of New York is in very dire economic times. And to be honest, we expect to have several years of bad economics.

And so we need, as a house and as a joint Legislature, with the Governor, to move a budget that protects core values as best we

can, protects those who are most needy in our communities in bad economic times, but also recognize that the cupboard is dry and that we have to make tough decisions, as the leaders of the state, and go home and explain to our people we had no choice but to move this kind of very difficult budget.

So I vote aye, and I hope all my colleagues on both sides of the aisle will vote aye.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Krueger.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

I'm going to be brief, because Senator Carl Kruger I think did an excellent job in outlining this resolution.

But I think everyone is on the same page where we understand this is a very, very difficult choice we make today on voting yes on this budget resolution. But we have to make the difficult choices, because that's what the voters in our respective districts

send us to Albany to do.

I think the voters have also been very, very clear. They want cuts. They want us to decrease spending. They want us, as they do each and every day, balance their checkbook, tighten their belts.

Well, this budget does that. And I think at the end of the day we are doing the people's business today. Because the next step is conference committees. And I think we're able to do this, as I know Carl mentioned, in rejecting what I think are very, very important tax increases, taxes that the public can't take any longer -- like the soda tax, a cigarette tax, the wine in groceries, which would have hurt our key areas of small business in our communities, and of course the GRT on healthcare providers, which of course is always passed on to the consumer.

But as I said, our job isn't done here today. Because when we go into conference committees, we still have a job to do to fund the property tax relief plan that we passed almost unanimously here last week.

We are one step forward. We put

$290 million in the budget to restore the STAR rebate check for seniors, but we need to do more. So I'm hopeful that in a bipartisan fashion, when we reach these conference committees, we'll discuss collecting taxes on cigarettes sold on Native American reservations. We will discuss doing something about the out-of-control overtime that exists, $450 million spent last year on what I consider nonessential, nonmandatory overtime. We have to look to consolidate agencies. These are the things we need to do.

And hopefully, when we go to the conference committees, we'll find the additional monies to do property tax relief. Because as I said, our job is only half done here today. We put in the start of a balanced budget. We've made the difficult choices. But I think the next step, and the only way we really fulfill our duty to New Yorkers, is to provide real property tax relief at the end of this budget process.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Klein.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I just rise to vote yes on this resolution and to talk about the fact that this is probably historically one of the most difficult budgets that the State Legislature ever had to do.

And I know that there have been tremendous calls from both sides of the aisle to our offices talking about the need for restoration. And what we have attempted to do is to take every call, every request, very seriously.

But as I looked at and was responsible for helping to look at the issues of the public protection issue, we have accepted a lot of the recommendations of the Governor in this budget. And we have made some very severe cuts. But one of the things that I am determined that this budget will not do, and that is put any of our security in our -- our guards within our prisons, as well as prisons, in danger by doing anything that will cause doubling up. And we will not let

the budget put us in an unsafe situation.

I know that there are people who just believe that people should be locked up in prison and we should throw away the key. But what this budget has attempted to do, even in this period of austerity, is to follow a public policy that says that our prisons are the place for those who have committed crimes, but where we have opportunities to create alternatives for incarceration, we must do so. And in the process of doing that, we must ensure that the conditions that we pose are safe in that process.

This budget is painful for everyone, and certainly for the public protection committees and those committees that are under the heading of public protection. But know that this is in the best interests of this state, and cut we must. And we've tried to do it in a manner that is both safe and judicious.

Thank you, Mr. President.

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

Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Thank you very much, Mr. President. I rise in support of the resolution as well.

It's been said before, it will be said afterwards this afternoon, it will be said from now until we finish this budget process and beyond: These are difficult economic times. And you don't have to be a rocket scientist or a reader of the business pages to understand that. Just walk down the Main Street where you live, the thoroughfares, the parks where our families play, and everybody is feeling the pinch.

And this budget resolution starts the process in recognizing how do we address these financial challenges -- challenges that didn't just show up in one day. They're challenges that we are facing today based upon a long-range process here in New York State.

And so what we're doing today is starting to fix that process. We have a budget resolution that starts taking care of our seniors when to comes to property tax relief, as well as all homeowners in preserving their STAR. We have information in

this resolution that's going to help put people back to work and help protect those who still have jobs. It deals with the economic development so sorely needed from upstate New York all the way down to the tip of Long Island. It protects our healthcare providers who are facing the pressure when it comes to investigations of Medicaid fraud.

There's no doubt that all of us here have issues with this budget. No one here was elected to cut healthcare or cut education. We all want to see and protect those who go to traditional public schools, charter schools, parochial schools, independent schools. And we have to use the conference committee process, as Senator Klein said, to start talking about these issues, addressing issues like the cap and cap formulas and cap expenses that our parochial schools face, dealing with the healthcare cuts and the education cuts.

And we have to use that budget conference committee process to hear ideas both within the Democratic conference side but also the Republican conference side.

I don't know how my friends on the other side of the aisle are going to vote today. I guess we'll hear that shortly. But I was struck by something last night, in listening to the debate on the House floor.

First, I would hope as we go through this budget process that our tone amongst ourselves remains as civil as it has been in the past. I was certainly troubled and maybe all of us were troubled by some of the tone and comments made on both sides of the aisle during the healthcare vote.

But something that I heard and found interesting is in the process of the House vote, one thing that was mentioned was the fact that there were over 200 Republican-sponsored amendments in the final bill.

I'm hopeful that as we work our way through the budget, I look forward to hearing the ideas from my Republican colleagues. Let's start today and go forward, how we can make this a better, stronger effort on this house.

So I look forward to the budget

process as we start today, as we have been doing in the past.

Mr. President, I will be voting aye. Thank you very much.

ACTING PRESIDENT BRESLIN: Thank you, Senator Johnson.

Senator Smith.

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

The public has made three things very clear to each one of us with regard to the direction that the State of New York is going. The first thing is they talk about the importance of job creation. The second thing they talk about is doing something to alleviate the tax burden -- that is, business, personal and property tax burden -- to them. And the last thing is controlling spending.

This resolution, that I commend both Senator Kruger and Senator Sampson for orchestrating and engineering, does just that. While we know there is more work that will be done, and we know that we will move into our conference committees with the Assembly as well as with our colleagues in the other side

of the aisle, there is property tax relief in this resolution; job creation, by virtue of the motion picture post-production tax credit piece and focus on high-speed rail, which we all know will create over a quarter of a million jobs just in high-speed rail alone; and, three, clearly we are controlling spending by balancing a budget that has a $9 billion deficit to it.

We know that we have a long way to go. And it is my belief, when conference committees are conducted, that this will end up being a fair and responsible budget, one that will be bipartisan as well, one that we will be able to all go home and demonstrate one characteristic of leadership, and that is making tough choices during tough times.

And during these extraordinary times, it requires extraordinary action. Today we're taking the first step on that action, Mr. President, and I vote aye.

ACTING PRESIDENT BRESLIN: Thank you, Senator Smith.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you,

Mr. President.

I listened very carefully to the presentations from the speakers on the other side of the aisle, and I sat thinking here how could I possibly find anything to disagree with. The resolution is making all kinds of restorations, not increasing taxes, and doing all things that are good and rejecting all things that are bad.

So I figured, knowing that -- having lived, so far, a relatively long life, there must be something that's just not quite right. Because you can't have everything in the type of climate that we have now and where we have a severe recession. And after thinking about it, I pretty much have decided that there are a few holes in this. And I want to try to point out a couple of them.

The first one is the process. There was a lot of congratulatory comments concerning we're going to start conference committees and the like. But we have a law that was passed that required us to appoint conference committees 10 days after the Governor's budget was released and start that

process so there could be truly a deliberative process and truly bipartisan input into the process with both houses.

Well, now we're not 10 days after the Governor's submitted the budget, we're about 10 days before the deadline for a budget to be passed. And to me, that isn't enough time to give the process what it's supposed to have -- namely, public debate, public output, and public input to get the type of result that we're really looking for.

So with respect to the process, I think the process is faulty. And we're certainly welcoming conference committees, because we've been asking for them for at least a month now. But we've wasted a month in trying to get a truly bipartisan product.

And this product, by the way, that we're debating today was presented to us in draft form for the first time yesterday afternoon at 3 o'clock, and in final form today at 2 o'clock, a little over an hour before this particular session started.

So it seems to me that if there was going to be some true desire to try to get

some bipartisan discussion and some input and to try to get some kind of product here that would start this process off running, that really truly didn't happen.

With respect to the substance, Senator Carl Kruger indicated that what he has before us is a road map to victory. Well, the road map that I see here is really to a dead end, not to victory. Because you can't have everything in a situation that we're in right now economically.

And how did we possibly balance this budget by restoring all of these wonderful things -- or how did they do it, and still getting rid of all the taxes? Well, simple answer. It's not balanced. We had asked for a financial plan which would show how the budget was balanced. And according to our estimates from this -- approximately 24 hours from receiving the draft of this document -- it's out of balance by about a billion and a half dollars.

So that's one of the reasons why the all-too-good-to-be-true proposal that's before us today is not all that good. And

it's not all that true.

Secondly, everybody who knows the problems in the State of New York knows there is a structural deficit. And that structural deficit has to be dealt with. We talked about this during the process of last year's budget. And despite the newly found desire to cut on the other side of the aisle, we increased spending -- or they increased spending, because we all voted no on this side of the aisle -- by $12 billion, and increased taxes by $8 billion.

Now, you only wonder, I just wonder, if we didn't increase spending by $12 billion last year, if we just held the line, would we have a $9 billion deficit this year? Someone else will have to do that math. It's a little bit above me.

But the fact of the matter is is that we overspent last year. And Carl Kruger has indicated that the Pataki/Bruno years, the budgets, that caused this problem. Well, the biggest problem was last year when we had a problem, and that problem was ignored. In fact, it was exacerbated.

And just in order so that we don't have revisionist history here, the fact of the matter is every one of those budgets, except for few Democrats in the past, voted for. So it wasn't the evil Republican majority at that time.

Secondly, if I recall -- and I was here all of those years -- there were amendments that were always proposed by the Democrats, now in the majority. And there was never an amendment, never an amendment to reduce spending, it was always to add more to education or to add more to this or to add more of that. So before we get into the campaign mode of this problem being blamed for 30 years on one party, I think it can be clearly shown otherwise.

Now, in addition to the fact that it's not balanced, Senator Carl Kruger indicated that we've got to do what our families are doing, balancing their checkbooks. We've got to do it with the state. No truer words have ever been said. In fact, we've said it on this side of the aisle for some time now.

But the fact of the matter is is the family doesn't balance its budget by selling its couch one year and then by selling its car the next year. They look at what their reoccurring expenses are in order to make sure that that reoccurring expenses are lowered so that the following year there's not a problem.

Here, there's increased spending over the Governor's budget which results in approximately, the way we calculate it, approximately $3 billion in more problems for next year's deficit.

So how do we close the amount that isn't just in balance? One-shots. Workers' Compensation Second Injury Fund, $300 million, a one-shot. In other words, once that happens this year, you've got to find other one-shots or other couches to sell or cars to sell if we're going to have the family analogy.

Medicaid Part D, $204 million one-shot. The data center cut, some data center, $9 million. Medical fraud audit target, $200 million. Federal FMAP, $485 million. All one-shots. That even if

they're done this year, that doesn't mean that they're going to be available next year. So the structural deficit is still here.

Tobacco bond restructuring -- that's a bond. That's more borrowing. The family doesn't go out and borrow against their house, a second or third mortgage, unless it's absolutely necessary. You've got to cut spending -- $700 million. Something, by the way, that the Governor rejected last year.

These are not solutions. These are not road maps to victory. This just keeps the same process going where we're ignoring, if we pass this resolution, the reoccurring problems of the state and just passing it on for another year by additional borrowing, through this tobacco bond restructuring, and one-shots that isn't going to resolve the problem.

So I am going to recommend to my conference that we vote no on this. And until we deal with things like the fact that we spend more on Medicaid than the next two states combined, until we start dealing with making sure that the workforce is at the right levels, making sure, by the way, that there's

fair cuts in other areas -- I know Senator Hassell-Thompson mentioned about jails. It's probably just a coincidence, and maybe I'm reading something in there, that the three jails that were closed were in only minority conference, Republican districts.

But the fact of the matter is is we've got to deal with things like home care, when $400 million is spent for personal care in the whole State of New York, except for New York City, where 1.6 billion is spent in New York City, which has about the same population as the rest of the state.

Those are the hard choices. Those are choices that spread the burden regionally, and those are the choices that are going to make us healthy in the future for our children and those beyond.

So, Mr. President, I understand the belief on the other side of the aisle that this is the road map to victory. I don't think it is. And hopefully we, during the budget committee process, can bring this out to the public so the public will demand not one-shots, not imbalance, but reoccurring

revenues to be reduced so that we can have a sound fiscal plan for the State of New York.

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator DeFrancisco.

Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

Oftentimes when I'm back home in Suffolk County and people talk to me about going to Albany, I say, "Well, it's more like the Emerald City."

And last Thursday we had a protracted debate on real property tax relief. And it's like following the Yellow Brick Road to having a great expectation on real property tax relief.

Well, as everyone fully knows the story, we get to the Emerald City and we find that behind the curtain is the wizard. And I would say, when I looked at this resolution, after listening to the debate of last week -- and I had expressed myself on Thursday that the proposal that was put forth by Senator Klein really didn't do the job. And in this

proposal, where we are spending $1.5 billion more than the Governor, we have, for real property tax relief, $291 million.

And the proposal -- and I had said this last week -- for the STAR rebate program, while our seniors have in the last two years not gotten Social Security increases, and that certainly as a group they are very deserving of relief -- but the STAR rebate program just takes out, voids anyone else who's not a senior.

So under last week's proposal and in this budget proposal, any person, any non-senior, any non-senior, in October, don't go to your mailbox, because there will be no check. No check. We certainly support our seniors being taken care of. But any non-senior is not taken care of.

One of the central pieces, the circuit breaker program, where is the circuit breaker program? Hello, where is the circuit breaker program? We can't find it. We talked about, in our proposal, a freeze for seniors 70 or older. Nowhere to be found. Property tax cap, nowhere to be found.

When I look at -- and we all get parochial for our own districts or our region -- for Long Island, in terms of state aid and the cuts in state aid, it is like further salt in the wound.

So I think, if real property taxes was critically important, then you -- we added $1.5 billion. I think we need to do a better job than $291 million.

And we're going to go to conference committees and we are going to have proposals and try and find money to ensure that every homeowner will be able to look in their mailbox, get a rebate check, or get something from a circuit breaker program or a senior have an option, if they're 70 or older, to be able to see in the years ahead in their life, be able to at least plan by freezing or capping their real property taxes.

So I heard Senator Klein very clearly say this is a beginning, we're going to move forward. But I think if we are making a statement in this resolution, it is a whimper of a statement. A priority gets a roar, not a wimp of a statement.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator LaValle.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, I'm sure a number of our members are aware of the fact that from time to time I have risen to my feet to discuss issues surrounding the MTA. And it's a subject which garners considerable interest for me, some might say even passion, and some might even say hatred.

So I was intrigued by the language I saw on page 48 of this budget resolution. And if Senator Carl Kruger, the Finance chair, would be kind enough to yield, I'd like to ask him -- perhaps through you, Mr. President, some questions.

ACTING PRESIDENT BRESLIN: Perhaps. Senator Kruger, do you yield to Senator Saland?

SENATOR CARL KRUGER: Yes, I do. If I could just take out a copy for a moment.

ACTING PRESIDENT BRESLIN: You

may proceed, Senator Saland.

SENATOR SALAND: I'm looking, Senator Kruger, about three-quarters of the way down the page. There's a paragraph that deals with the mobility tax, commonly known to the rest of the world as the payroll tax.

SENATOR CARL KRUGER: Okay.

SENATOR SALAND: Now, what this section purports to do, among other things, it rejects the Executive's increase to New York City and -- I'm just following the language -- proposes to authorize a business tax credit for a portion of the MTA mobility tax which would be graduated based upon usage of the MTA system by county.

Could you tell me what that portion is, how would it be determined, what would be the numerator, what would be the denominator?

SENATOR CARL KRUGER: I see the point that you're making.

With your permission, Senator Foley might be able to answer this question better.

Senator Foley?

ACTING PRESIDENT BRESLIN: Senator Foley, do you yield to Senator Kruger?

SENATOR FOLEY: Certainly. Thank you.

First, let me just say to Senator Saland that overall, what we're going to see with this proposal today, the overall budget bill, is the opening, let's say, chapter to a process where we're going to have, I believe, even greater savings for property taxes. I believe that we're going to see a level of restoration of cuts that have been made to education. But this full well recognizes the fact that we have a very, very poor economy that we're dealing with.

The MTA tax credit as it's proposed here was inserted during this process. I believe that during this process it's going to evolve over a period of days or weeks where it will be, in fact, a real payroll tax reduction. As it's proposed here, it is as a tax credit. But I think by the end of this process, Senator Saland, we're going to see some real savings for particularly the outlying areas of the MTA service area as relates to a payroll tax.

So as it's constructed here, we're

going to build on that, if you will, and I think we're going to see a greater savings going forward in this process for your county and for our county, where there will be a substantial, a substantial reduction in what's paid.

SENATOR SALAND: Mr. President, would Senator Foley yield? He has taken the floor from Senator Kruger.

ACTING PRESIDENT BRESLIN: Senator Foley, will you yield to Senator Saland?

SENATOR FOLEY: Yes.

SENATOR SALAND: Senator Foley, first, an observation. A business tax credit means that whomever is paying is going to pay, and then they're going to receive a quote, unquote, tax credit for having made that payment. And in this case the business tax credit would be from the General Fund, would it not?

SENATOR FOLEY: (Nodding.)

SENATOR SALAND: Okay. So the General Fund, then, would be responsible for this tax credit.

Now, the formula is what I'm interested in. What portion of the MTA payroll tax would one be eligible to have returned to your business? And it's referred to being graduated based upon usage by county.

So when we look, we see that originally it was anticipated that a little over $1.5 billion would be raised. I believe $1.1 billion was from the city, $230 million from the Island, and about 165 from the Hudson Valley. Are those numbers relevant to that computation, or is there another computation?

I'll just add, just by way of additional data, there's over 7 million fares or people who use the MTA in New York City. There's probably, between the buses and the trains on the Island, less than 400,000 or around 400,000. And in our region, Metro North, there's 287,000.

So amongst all those numbers, so that I can tell my businesses, who are just absolutely livid over this, what is it that they can expect? How can they compute?

ACTING PRESIDENT BRESLIN: Senator Foley.

SENATOR FOLEY: Yes, through the chair.

I share your great concern about this. I've heard the same from our business owners as well. And that's why I have a proposal that I submitted several weeks ago that has a payroll tax proportionate to the use of the service.

And as it relates to the outlying areas of Suffolk County and the four northern counties, that would relate to about 11 cents as opposed to 34 cents per $100. In fact, I hope we can get even lower than that.

The best way I can answer it today is that it is in this document today as a tax credit. And since you have much more experience with budget resolutions than I do, you know that a budget resolution is just the start of a process. And that as we go along this road, there will be changes and permutations to the budget resolution so when we finally arrive at a station, if you will, where we have an actual budget bill as opposed to a budget resolution, you're going to see that there will be a clearer picture as to

what the actual savings will be for our business owners.

What I can say confidently today is that at the end of this process there will be, at the very least, a 2/3 reduction for the businesses in your community as well as in mine. It may even be more than that. But for today's purposes, as it's presented here today, yes, you're right, it's presented as a tax credit, which is different from the way that I had proposed it several weeks ago.

But what's important is that it's incorporated into this budget resolution. And I do expect, working with the Republicans as well as the Democrats in the different conferences, that we're going to improve this budget resolution. And at the end of the day, we're going to have a direct savings for our businesses as opposed to them paying something and then getting a tax credit back.

ACTING PRESIDENT BRESLIN:

Senator Saland.

SENATOR SALAND: Mr. President, would Senator Foley continue to yield?

ACTING PRESIDENT BRESLIN:

Senator Foley, do you continue to yield to Senator Saland?

SENATOR FOLEY: Yes, I do, Mr. President.

ACTING PRESIDENT BRESLIN: You may proceed, Senator Saland, through the chair.

SENATOR SALAND: Senator Foley, I think what you said in response to my question is that you are the architect of this concept, this language?

SENATOR FOLEY: Not of the tax credit. Through the chair, not of the tax credit.

As you know, my resolution -- which no doubt your staffs have taken a look at -- that we've offered several weeks back speaks to a point of a direct payroll reduction in the amount of the taxes paid on a proportionate basis as you go out from the center of the service area to the outlying areas. So it is materially different as far as the payroll tax as opposed to the tax credit.

What's important here, Senator

Saland, is that this document acknowledges the fact that we need to have some distinction made within the service area as to the proportion of use of the MTA.

So while I think that principle is embodied here, that it acknowledges that there needs to be a difference in what's paid in the MTA service area, I think the final exact language and, let's say, the arithmetic will be different from what we see here today.

SENATOR SALAND: Thank you, Senator Foley.

ACTING PRESIDENT BRESLIN: Senator Saland.

SENATOR SALAND: Mr. President, on the resolution.

ACTING PRESIDENT BRESLIN: Senator Saland, on the resolution.

SENATOR SALAND: If Senator Kruger yielded to Senator Foley to explain an MTA tax credit component comprised in this resolution, Senator Foley said "I'm not the author of this language," and Senator Kruger yielded to Senator Foley because apparently he was not the author of the language, is there

anybody who was the author of the language who wants to claim authorship of the language and can explain to me what this means to the 12 counties that comprise the MTA? Is anybody going to claim paternity of this section or maternity of this section?

ACTING PRESIDENT BRESLIN: Senator Kruger, why do you rise?

SENATOR CARL KRUGER: Mr. President, I suspect there's an old axiom that says that success has many fathers and defeat is an orphan.

So to speak about paternity, let's talk about the MTA in general, and we can spend yards about it. But at the same time, when we want to talk -- picking up on your conversation, I will claim authorship. Okay?

Whenever we hear about the MTA, I wait to hear Senator Saland to offer his comments. Very well put, in many instances, and very much on target. And we always thank you for the dialogue.

When we're talking about a service --

SENATOR SALAND: You're killing

me with kindness, Senator. So I'll wait for the other shoe.

(Laughter.)

SENATOR CARL KRUGER: No, no, no. This is an opportunity for us to have a lovefest.

(Laughter.)

SENATOR CARL KRUGER: When we talk about the MTA, you know, I guess when we say their original slogan "We know how you feel about us, and we're trying to change it" -- well, we're trying to change the formula under which the payroll tax was structured as part of what many called the MTA solution. I called it the MTA money grab.

So while we focus on what we're trying to accomplish, we're taking the greatest-use factor, which is obviously the City of New York, and in concentric circles widening it out till we get to counties such as that you represent, and trying to factor out the equation to create some balance of equilibrium.

It necessarily is not -- as I said, this is a work in progress. And it certainly

deserves further dialogue, it certainly deserves discussion. But it's also a recognition that there's something that should be done and has to be done to address the inequities that the outer counties are facing in terms of supporting the infrastructure in the MTA.

So I accept responsibility for the authorship of the concept. I hope to be able to work with you in the days ahead to further fine-tune that so that we can walk away from this with some balance of equilibrium between the service areas of the MTA.

SENATOR SALAND: Thank you, Senator Kruger.

ACTING PRESIDENT BRESLIN: Senator Saland.

SENATOR SALAND: On the resolution.

ACTING PRESIDENT BRESLIN: Senator Saland, again on the resolution.

SENATOR SALAND: Without prolonging this, if, as Senator Kruger described, starting in the city and working out in concentric circles, what that would

mean to those of us who are not representing the city or portions of the city but representing the outer counties, both Long Island and in the Hudson Valley -- the city has about 80 percent of the ridership, the Island has about 7 percent, and the mid-Hudson has about 6 percent, and that's probably predominantly Westchester.

So for the now famous or infamous Quarter Pounders, I'll use a word that I'm sure Senator Kruger is familiar with. A portion, because it talks about a portion. I don't know whether that portion is 10 percent, 20 percent, 30 percent, 40 percent, 50 percent. I have no idea. But for the Quarter Pounders, it means bupkis, absolute bupkis.

There's just -- and it's coming from the General Fund. And I'm not aware -- you know, we're talking about a new paradigm, at least that's what I'm hearing. I'm not aware it's a new paradigm to raid the General Fund for the first time for an authority, whether that's wise governance. And I say that notwithstanding the fact that I would

certainly welcome some form of relief for my district.

And just generally on the resolution, I heard Senator Kruger -- and I wrote it down -- refer to this as a road map to victory. And I jotted alongside that to me, I view it more as a formula that compounds failure.

And as Senator DeFrancisco pointed out in his earlier remarks, we seem to have forgotten that we are in the dying throes of one of the most horrendous budgets that this state has ever seen when, in the midst of another great depression, we adopted a budget, we -- the other side of the aisle adopted a budget which basically imposed some $12 billion in additional spending and about $8.5 billion in additional taxes.

And if this is our first step today, we ignored the first step that we took last time. We've managed to forget last year's budget, apparently, already.

What we need is not business as usual. What we need is something that provides us a fiscal plan, something that

avoids borrowing, something that deals with the structural deficit, and certainly something that does not add to the outyear deficit as this proposal, resolution would.

So I look forward to the process. And hopefully what we will wind up with will be something that's vastly improved and reflects an effort to incorporate some of the things that we have been offering and suggesting here not only last year but this year as well.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Saland.

Senator Hannon.

SENATOR HANNON: Thank you, Mr. President.

I've tried to take a look at just the portion of this resolution that deals with the health budget. The health budget that is proposed by the Executive was about $56 billion, $57 billion, All Funds. And the Medicaid program, part of that, spending a billion dollars a week.

And I would have thought that if

this was truly a first step, that you'd take a first step as one would do rationally, and you'd have a fiscal plan. But I can't find a fiscal plan embodied in any of these pages as to how much is spent, how much is proposed to be spent, how much is added. And in fact, in looking at the different versions of these that were presented to staffers last night, I can find swings of $30 million to $40 million of adds or cuts that go beyond that.

So you need a fiscal plan, you need a course of action as to where you're going, you need to get a sense of what we're going to do with the healthcare system of New York as we go forward in the next 12 months, as we go forward in the next 24 months.

Why did I mention those periods? Because in the last 12 months we've already diverted billions of dollars from the federal stimulus plan that gave enhanced monies to New York State from what they call FMAP, the matching monies from the federal government for our Medicaid expenditures. And we've taken something like 20 to 40 percent to 50 percent of those billions and put them into

other purposes.

And what have we done now with the healthcare system? Left them with a sure course of action? No. We don't know where they're going to go. And that stimulus act of Congress of 2009 ends December 30, 2010. Where do we go after all of that money is gone? We don't have a plan. This is not an appropriate way for us to move forward.

You even use, and I really find it -- you talked about all the taxes you rejected. You don't talk about the 2009 taxes, the taxes that give the average New Yorker $2,400 of increased payment of taxes during the course of a year. All of those are embodied because they're in the spending base. All of those are embodied because they're in the taxation base.

And you add insult to injury because, in the middle of this, there are all sorts of hidden minefields that I find that are policy things, just like in the middle of last year's budget you had the Rockefeller Drug Law revisions. You have things like medical marijuana, you have things like a

private not-for-profit overseeing the youth correctional services.

You know, this is not something to bring to the floor with no notice. This is not something to have rushed and amended just minutes before we get it. If this were a serious plan, it would be far better thought out. It would be structured. And I don't think I can support it.

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Hannon.

Senator Sampson, to close.

SENATOR SAMPSON: Thank you very much, Mr. President. I want to just close with respect to this.

I truly appreciate all the thoughts of my colleagues this afternoon. And as usual, in an effort to proceed in bipartisan fashion, it is met with hostility. However, that will not stop me from continuing working -- as Senator Skelos knows, in order for us to do a budget, we need to work together. Time and time again, I will continue, I will always extend my hand to

making sure that we work together to get this thing done.

This time we're trying to start a public process to create a fair, responsible, and bipartisan budget. And rather than work with us to create jobs, provide tax relief for seniors, and keep state operations going, people want to play politics. And I think one of our colleagues said it's about -- the statement is a whimper.

Our statement may be a whimper, but the statement across the aisle is a no. And that's a no to property tax relief for seniors. That's a no to job preservation, job creation. That is a no to our rejection for no new fees, no new taxes. And that is a no to our effort to reject borrowing.

Where was the whole issue about process, where was the process when the budget you voted raised taxes 395 times since 1995? Where was the process when you increased our debt service to $5.8 billion over the last 10 years? Where was the process when you increased our debt load from $31 billion to $54 billion? Where was the process when you

doubled our state spending over 10 years?

And we talk about -- I think Senator DeFrancisco was talking about after the Governor proposes his budget, within 10 days we have to have a formulation for conference committees. I don't think, since I've been here, after that 10-day period I don't think we had any formulation with respect to conference committees.

Where was the process when we lost tens of thousands of jobs, not only in the city but also throughout the state? Where was the process when property tax increased by 320 percent in Nassau County? Where was the process when taxes -- we talk about taxes -- they increased in Suffolk County 550 percent? Where was process when homeowners across the state lost their homes? Where was this process?

And we talk about one-shots. You know, let's go to the facts. Where was the tough talk when there was an approval of $24.6 billion worth of one-shots from 1997 through 2008? And when you want to talk about a spending cap, none of the budgets that was

approved in prior years would have violated that spending cap.

We understand what's happening here. And I hope -- I don't want anyone to take away from it -- you know, we want to play politics, everybody wants to play politics. But now is the time for us really not to play politics, because at the end of the day the only people who are going to be hurting is the people that we represent.

And, Senator Skelos, you're right to talk about last year, and I agree with you. There should have been more support. We should have reached across the aisle to come to a plan that can benefit all New Yorkers.

However, this is what we're going to do this year. We're going to go into conference committees. And this is just a road map for us to work together and restore, possibly cut even more in areas that benefit all New Yorkers. This is a budget that we all need to own.

You know, time and time again we are going across the aisle, one side blaming the other side. The people in the State of

New York do not care. They don't care if it's a Democrat, Republican, or independent. What they're concerned about is, one, do I have a job in the morning? Two, can I pay my mortgage? Three, am I going to be able to have healthcare for my children or my family when there is a debilitating disease that they contract? And one of the most important things they want to know: Can I provide my children with a better educational opportunity than I provide myself?

These are the questions. And they're not going to look to a Democrat or a Republican to answer them. They're going to look at all 62 members of the State Senate to answer that question.

So we need to understand that while we're in this chamber, it comes to a point in time that dialogue is important. Your ideas that you may have on the other side of the aisle can be very helpful for us putting together a budget that is reflective of what we think New York State or the direction New York State is going into. People don't care about what happened in the past. People

want to know what's happening in the present and what's going to happen into the future. Because this is how we live.

So, my colleagues, as I said before -- and I think Senator Kruger said it the best, this is a road map. This will be a road map to victory because we will all be involved. So when we go to those conference committees and keep everything public, we're going to deal with issues that a lot of us don't want to deal with. A lot of times we went to conference committees and talked about dealing with restorations. We're going to conference committees this time and talk about cuts.

You know, it's a far cry from going into the conference committees and talking about restorations. There may be restorations on one hand, but if we restore something on the one hand, we're going to have to cut on another hand. So the people and the public is going to see what we're actually going to cut.

So, my colleagues, as I said before, once again I'm extending my hand and letting you know that I'm looking for a fair,

responsible, most of all a bipartisan budget that we can do and that can be reflective of all our values. Because we have all the same values. As, Senator Skelos, you indicated last week, it's about making sure we cut spending, we don't raise taxes, and we provide people, homeowners, property tax relief. This is something that I hope the end product can reflect.

So once again, thank you very much, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Sampson.

The debate is closed.

The Secretary will ring the bell.

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

(The Secretary called the roll.)

SENATOR LIBOUS: Excuse me, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Libous.

SENATOR LIBOUS: I thought there was going to be a roll call.

ACTING PRESIDENT BRESLIN: I just

asked the Secretary to call the roll.

SENATOR LIBOUS: All right, then I ask for a slow roll call.

ACTING PRESIDENT BRESLIN: This is not the final passage of a bill, just a resolution.

SENATOR LIBOUS: If I may.

ACTING PRESIDENT BRESLIN: Fast roll call.

SENATOR LIBOUS: Mr. President, if I may.

ACTING PRESIDENT BRESLIN: Are you making a point of order, Senator Libous?

SENATOR LIBOUS: I am making a point of order, Mr. President.

Are we changing the rules on a resolution?

ACTING PRESIDENT BRESLIN: I'm not aware that we're changing the rules on a resolution.

SENATOR LIBOUS: So you're calling a fast roll call on a resolution. When have we ever done a fast roll call on a resolution?

ACTING PRESIDENT BRESLIN:

Senator, it appears as though you're asking for a voice vote. So we'll do a voice vote.

SENATOR LIBOUS: No, actually I'm asking for a show of hands, Mr. President. If you're going to do a fast roll call, I would ask that you ask for a show of hands.

ACTING PRESIDENT BRESLIN: We'll do that, Senator Libous.

All those against the resolution please raise your hand.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT BRESLIN: Senator Skelos.

SENATOR SKELOS: Am I allowed to explain my vote under the rules that have been imposed?

ACTING PRESIDENT BRESLIN: We'll allow it. Without reflecting with the rules, you may explain your vote.

SENATOR SKELOS: Thank you very much.

Mr. President, I listened with great interest. And this is why I'm going to vote against the resolution of Conference Chairman Senator Sampson. And for a person

who doesn't like to talk about the past, he was sure speaking about Speaker Silver an awful lot today as he was talking about the past.

I'm going to vote against this resolution today for a couple of reasons. Number one, there was going to be great change from the Democrat side of the aisle if they assumed the majority. And I don't believe change is getting a resolution of this importance literally 10 minutes before we go into conference so that we could properly vet it and look at it and make a decision.

Going beyond that, there is absolutely no fiscal plan that goes with this, which is required. It increases spending, which cannot be afforded by the people of the State of New York. And if we're going to look back, it does nothing to unravel the spending of $13 billion more in last year's budget and the imposition of $11 billion in taxes, $2,400 for a family of four.

So people don't want partisanship. I understand that. They don't. But they're also asking the question of the Democrats, How

could you have done this to us, our families, last year, $2,400, a payroll tax, a cigarette tax, a water tax, a healthcare premium tax -- but we're going to get more out of that in Washington now -- when we're in a recession?

So yes, we have to move forward. But the way you move forward, if you give us -- the Democrats, who are in the majority -- an honest piece of material budgeting that we can work off of.

And this is just a sham and a gimmick, totally unbalanced, increases spending, increases debt, and does absolutely nothing to restructure the budget of the State of New York and how we move forward. All this does is postpone for the future taxes and debt which the people of this state -- and quite frankly this country -- are saying no to.

So I will vote no on the resolution.

ACTING PRESIDENT BRESLIN: Senator Skelos will be recorded in the negative on the resolution.

Announce the results.

THE SECRETARY: Ayes, 32. Nays,

29.

ACTING PRESIDENT BRESLIN: The resolution is adopted.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

First, Senator Klein, the Secretary will read substitutions.

THE SECRETARY: On page 15, Senator Stewart-Cousins moves to discharge, from the Committee on Codes, Assembly Bill Number 215B and substitute it for the identical Senate Bill Number 2904B, Third Reading Calendar 254.

ACTING PRESIDENT BRESLIN: Substitution ordered.

THE SECRETARY: On page 16, Senator Valesky moves to discharge, from the Committee on Codes, Assembly Bill Number 6671B and substitute it for the identical Senate Bill Number 5463B, Third Reading Calendar 267.

ACTING PRESIDENT BRESLIN:

Substitution ordered.

THE SECRETARY: On page 16, Senator Stavisky moves to discharge, from the Committee on Codes, Assembly Bill Number 8530E and substitute it for the identical Senate Bill Number 5688D, Third Reading Calendar 268.

ACTING PRESIDENT BRESLIN: Substitution ordered.

THE SECRETARY: And on page 16, Senator Parker moves to discharge, from the Committee on Children and Families, Assembly Bill Number 5497 and substitute it for the identical Senate Bill Number 5924, Third Reading Calendar 273.

ACTING PRESIDENT BRESLIN: Substitution ordered.

The Secretary will proceed with the reading of the noncontroversial calendar.

THE SECRETARY: Calendar Number 36, by Senator Breslin, Senate Print 4463A, an act to amend the Insurance Law and the Workers' Compensation Law, in relation to requiring.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of January.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 170, by Senator Aubertine, Senate Print 6758A, an act in relation to authorizing the Commissioner of Transportation.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 209, by Member of the Assembly Gabryszak, Assembly Print Number 3910A, an act to amend the Election Law, in relation to special ballots.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 217, by Senator Serrano --

SENATOR KLEIN: Lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 265, by Senator Thompson, Senate Print 3025, an act to amend the Navigation Law, in relation to reporting policies and procedures.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of April.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

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

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 274, by Senator Huntley, Senate Print 6683, an act to amend Part R2 of Chapter 62 of the Laws of 2003, amending the Mental Hygiene Law and the State Finance Law.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 277, by Senator Breslin, Senate Print 6455, an act to amend Chapter 105 of the Laws of 2009 amending Chapter 693 of the Laws of 1980.

ACTING PRESIDENT BRESLIN: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

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

ACTING PRESIDENT BRESLIN: The bill is passed.

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

SENATOR KLEIN: Mr. President, on behalf of Senator Smith, I hand up the following committee notice and ask that it be filed in the Journal.

ACTING PRESIDENT BRESLIN: So ordered.

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

ACTING PRESIDENT BRESLIN: Senator Klein, the desk is clear.

SENATOR KLEIN: There being no further business, Mr. President, I move that we adjourn until Tuesday, March 23rd, at 3:00 p.m.

ACTING PRESIDENT BRESLIN: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Tuesday, March 23rd, at 3:00 p.m.

(Whereupon, at 5:25 p.m., the Senate adjourned.)