

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 22, 2010

11 3:47 p.m.

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13
14 REGULAR SESSION

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18 SENATOR NEIL D. BRESLIN, Acting President

19 ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

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

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

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

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

12 Rabbi.

13 RABBI BUTMAN: Let us pray.

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

20 This week we are celebrating the
21 108th birthday of the Rebbe, the Lubavitcher
22 Rebbe, Rabbi Menachem M. Schneerson. And many
23 years in the past, as this year, you are --
24 you passed in the past and you will pass this
25 year a resolution in the honor of the 108th

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

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

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

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

1 Those laws are then interpreted by
2 all the people in the United States of
3 America, and through the United States of
4 America. The United States of America is a
5 superpower. Those laws have an effect for all
6 the people of the world. So you who sit in
7 the New York State Senate here in Albany have
8 an effect not only on the people in Albany,
9 not only on the people in the great State of
10 New York, and not only on the people in the
11 United States of America, but indeed on the
12 people all over the world.

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

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

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

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

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

23 And let us all say amen.

24 (The assemblage said "Amen.")

25 ACTING PRESIDENT BRESLIN: Thank

1 you, Rabbi.

2 The reading of the Journal.

3 The Secretary will read.

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

9 ACTING PRESIDENT BRESLIN:
10 Without objection, the Journal stands approved
11 as read.

12 Presentation of petitions.

13 Messages from the Assembly.

14 Messages from the Governor.

15 Reports of standing committees.

16 Reports of select committees.

17 Communications and reports from
18 state officers.

19 Motions and resolutions.

20 Senator Klein.

21 SENATOR KLEIN: Mr. President, I
22 believe there's a resolution at the desk by
23 Senator Sampson. I ask that the resolution be
24 read in its entirety and move for its
25 immediate adoption.

1 ACTING PRESIDENT BRESLIN:

2 Senator Klein, has this resolution been deemed
3 privileged and submitted by the office of the
4 Temporary President?

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

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

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

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

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

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

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

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

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

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

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

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

4 "WHEREAS, This year, Friday,
5 March 26, 2010, corresponding to 11 Nissan,
6 5770, the Rebbe's birthday, to Sunday,
7 July 11, 2010, corresponding to 29 Tammuz,
8 5770, will be celebrated as '108 Days of
9 Education,' in tribute to the educational
10 endeavors of this visionary leader and learned
11 gentleman on behalf of all mankind; and

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

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

1 the New York State Capitol on March 22, 2010,
2 and to recognize March 26, 2010, to July 11,
3 2010, as '108 Days of Education,' in tribute
4 to the educational endeavors of the beloved
5 Rebbe; and be it further

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

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

13 (Response of "Aye.")

14 ACTING PRESIDENT BRESLIN:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT BRESLIN: The
18 resolution is adopted.

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

23 Thank you, Rabbi.

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

1 ACTING PRESIDENT BRESLIN:

2 Senator Klein.

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

9 ACTING PRESIDENT BRESLIN:
10 Senator Klein, has this resolution been deemed
11 privileged and submitted by the office of the
12 Temporary President?

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

15 ACTING PRESIDENT BRESLIN: Thank
16 you, Senator Klein.

17 Senator DeFrancisco.

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

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

23 The Secretary will first read the
24 title of the resolution.

25 SENATOR DeFRANCISCO: Oh, okay.

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

7 ACTING PRESIDENT BRESLIN:
8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Thank you,
10 Mr. President.

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

16 And what's very wonderful about
17 this particular group, it's not only their
18 success on the football field, with an
19 11-and-1 record -- and by the way, some of the
20 players are on the basketball team which this
21 weekend won the state championship. So
22 there's a few good athletes in the 49th Senate
23 District.

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

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

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

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

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

24 (Laughter.)

25 SENATOR DeFRANCISCO: They don't

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

4 Thank you, Mr. President.

5 ACTING PRESIDENT BRESLIN: Thank
6 you, Senator DeFrancisco.

7 Senator Maziarz.

8 SENATOR MAZIARZ: Thank you,
9 Mr. President.

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

16 Thank you.

17 (Laughter.)

18 ACTING PRESIDENT BRESLIN: Thank
19 you, Senator Maziarz.

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

23 (Response of "Aye.")

24 ACTING PRESIDENT BRESLIN:
25 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT BRESLIN: The
3 resolution is adopted.

4 Congratulations to the Westhill
5 Football Team.

6 (Applause.)

7 ACTING PRESIDENT BRESLIN:
8 Senator Klein.

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

14 ACTING PRESIDENT BRESLIN:
15 Senator Klein, has this resolution been deemed
16 privileged and submitted by the office of the
17 Temporary President?

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

20 ACTING PRESIDENT BRESLIN: The
21 Secretary will read.

22 THE SECRETARY: By Senator
23 Sampson, Senate Resolution adopting a budget
24 resolution proposing amendments to the
25 2010-2011 Executive Budget submission

1 (Legislative Bills Senate 6600A, 6601, 6602,
2 6603A, 6604A, 6605A, 6606A, 6607A, 6608A,
3 6609A, 6610A, 6611A, 6612A, 6613A, 6614A, and
4 Senate Print 6615A).

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

8 ACTING PRESIDENT BRESLIN: The
9 resolution is laid aside.

10 Senator Klein.

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

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

17 The Secretary will read the title.

18 THE SECRETARY: By Senator
19 Sampson, Senate Resolution adopting a budget
20 resolution proposing amendments to the
21 2010-2011 Executive Budget submission.

22 ACTING PRESIDENT BRESLIN:
23 Senator Kruger.

24 SENATOR CARL KRUGER: Thank you,
25 Mr. President.

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

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

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

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

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

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

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

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

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

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

1 we oppose all of the Governor's tax increases.

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

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

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

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

1 Our budget resolution calls for All
2 Funds of \$136.2 billion, \$100 million or
3 0.1 percent greater than the Governor's
4 budget. All Funds spending increased by
5 \$3.1 billion, or 2.3 percent over 2009-2010.
6 Of this \$3.1 billion increase, \$2 billion
7 comes from increases at DOT and for payments
8 of principal and interest -- and listen to
9 this -- on the state debt that was accumulated
10 and was restructured as part of the 2005
11 bonding restructuring.

12 Taxes and revenue are rejected. We
13 rejected \$1.1 billion worth of the Governor's
14 proposed tax increases. The tax on syrup,
15 \$465 million, is rejected. The cigarette tax
16 of \$210 million is rejected. Wine in the
17 grocery stores, for \$253 million, is rejected.
18 And the GRT on healthcare providers of
19 \$216 million is rejected.

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

25 On the restoration side, we

1 restored cuts to SUNY and CUNY community
2 colleges worth \$57 million. We restored \$75
3 across the board on the TAP reductions, worth
4 \$17 million. We restored the closure of 57
5 state parks and reduced operations at 21
6 additional state parks, for \$11 million. We
7 restored \$20 million for senior citizen and
8 child care out of Title 20 funds. So in
9 New York City, when the mayor said that we
10 were going to have to close 21 senior centers
11 across this state because of the Governor's
12 budget, this resolution provides the funds
13 necessary to keep those centers open and
14 operating.

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

23 We accepted revenue-generating
24 actions that provided an additional
25 \$100 million to the budget. The PIT

1 nonresident allocation gains \$30 million. A
2 mixed martial arts program, a simple
3 \$2.1 million. We included in the New York
4 City Housing Development Corporation a
5 business integrity commission for \$3 million.
6 We allow for a statistical sampling audit at
7 \$8 million. We increase certain civil court
8 filing fees for \$31 million. Permit and speed
9 enforcement cameras of \$25 million. We
10 dissolved the Genesee Valley Regional Market
11 Authority for \$12 million.

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

21 On the health side, savings of
22 \$335 million more than the Governor proposed.
23 We accepted the Governor's proposal to
24 increase the Medicaid fraud audit target from
25 \$870 million to \$2.1 billion, which will save

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

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

8 Additionally, the Senate Majority
9 has taken the initiative for additional
10 savings. We've implemented an autism
11 legislation with passage -- Senate 7000 --
12 that will save \$15 million. We eliminated a
13 COLA for community health programs,
14 \$28.9 million. We enact a Medicaid
15 re-estimate of \$302 million. And we enact
16 personal care additional utilization reviews
17 of \$10 million.

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

25 On the education side, we accepted

1 the \$2.2 billion in savings for education,
2 \$1.4 billion and then higher education an
3 additional \$800 million. The Senate in its
4 resolution rejects community college base aid,
5 \$56.7 million. Seventy-five dollars across
6 the board TAP reductions of \$16.5 million. A
7 new TAP schedule for a two-year program of
8 \$68 million.

9 Additional savings that will be
10 garnered out of this resolution further go
11 towards dealing with our State University
12 system. The SUNY-wide programs would be
13 reduced by \$15.3 million. CUNY-wide program
14 reductions equal \$14.5 million. We expand
15 gaming options to fund education by
16 \$100 million.

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

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

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

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

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

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

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

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

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

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

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

10 Thank you, Mr. President.

11 ACTING PRESIDENT BRESLIN: Thank
12 you, Senator Kruger.

13 Senator Klein.

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

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

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BRESLIN:
24 Senator Schneiderman.

25 SENATOR SCHNEIDERMAN: I vote

1 aye.

2 ACTING PRESIDENT BRESLIN: The
3 roll call is withdrawn.

4 The resolution is before the house.
5 Senator Liz Krueger.

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

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

16 (Laughter.)

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

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

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

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

11 Thank you, Mr. President.

12 ACTING PRESIDENT BRESLIN: Thank
13 you, Senator Krueger.

14 Senator Klein.

15 SENATOR KLEIN: Thank you,
16 Mr. President.

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

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

1 send us to Albany to do.

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

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

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

25 We are one step forward. We put

1 \$290 million in the budget to restore the STAR
2 rebate check for seniors, but we need to do
3 more. So I'm hopeful that in a bipartisan
4 fashion, when we reach these conference
5 committees, we'll discuss collecting taxes on
6 cigarettes sold on Native American
7 reservations. We will discuss doing something
8 about the out-of-control overtime that exists,
9 \$450 million spent last year on what I
10 consider nonessential, nonmandatory overtime.
11 We have to look to consolidate agencies.
12 These are the things we need to do.

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

23 Thank you, Mr. President.

24 ACTING PRESIDENT BRESLIN: Thank
25 you, Senator Klein.

1 Senator Hassell-Thompson.

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

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

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

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

1 the budget put us in an unsafe situation.

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

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

22 Thank you, Mr. President.

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

25 Senator Craig Johnson.

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

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

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

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

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

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

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

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

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

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

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

25 So I look forward to the budget

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

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

5 ACTING PRESIDENT BRESLIN: Thank
6 you, Senator Johnson.

7 Senator Smith.

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

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

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

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

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

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

22 ACTING PRESIDENT BRESLIN: Thank
23 you, Senator Smith.

24 Senator DeFrancisco.

25 SENATOR DeFRANCISCO: Thank you,

1 Mr. President.

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

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

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

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

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

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

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

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

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

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

12 And how did we possibly balance
13 this budget by restoring all of these
14 wonderful things -- or how did they do it, and
15 still getting rid of all the taxes? Well,
16 simple answer. It's not balanced. We had
17 asked for a financial plan which would show
18 how the budget was balanced. And according to
19 our estimates from this -- approximately
20 24 hours from receiving the draft of this
21 document -- it's out of balance by about a
22 billion and a half dollars.

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

1 it's not all that true.

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

13 Now, you only wonder, I just
14 wonder, if we didn't increase spending by
15 \$12 billion last year, if we just held the
16 line, would we have a \$9 billion deficit this
17 year? Someone else will have to do that math.
18 It's a little bit above me.

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

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

7 Secondly, if I recall -- and I was
8 here all of those years -- there were
9 amendments that were always proposed by the
10 Democrats, now in the majority. And there was
11 never an amendment, never an amendment to
12 reduce spending, it was always to add more to
13 education or to add more to this or to add
14 more of that. So before we get into the
15 campaign mode of this problem being blamed for
16 30 years on one party, I think it can be
17 clearly shown otherwise.

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

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

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

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

21 Medicaid Part D, \$204 million
22 one-shot. The data center cut, some data
23 center, \$9 million. Medical fraud audit
24 target, \$200 million. Federal FMAP,
25 \$485 million. All one-shots. That even if

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

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

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

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

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

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

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

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

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

3 Thank you.

4 ACTING PRESIDENT BRESLIN: Thank
5 you, Senator DeFrancisco.

6 Senator LaValle.

7 SENATOR LaVALLE: Thank you,
8 Mr. President.

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

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

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

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

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

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

19 One of the central pieces, the
20 circuit breaker program, where is the circuit
21 breaker program? Hello, where is the circuit
22 breaker program? We can't find it. We talked
23 about, in our proposal, a freeze for seniors
24 70 or older. Nowhere to be found. Property
25 tax cap, nowhere to be found.

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

6 So I think, if real property taxes
7 was critically important, then you -- we added
8 \$1.5 billion. I think we need to do a better
9 job than \$291 million.

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

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

1 Thank you, Mr. President.

2 ACTING PRESIDENT BRESLIN: Thank
3 you, Senator LaValle.

4 Senator Saland.

5 SENATOR SALAND: Thank you,
6 Mr. President.

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

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

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

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

25 ACTING PRESIDENT BRESLIN: You

1 may proceed, Senator Saland.

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

7 SENATOR CARL KRUGER: Okay.

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

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

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

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

23 Senator Foley?

24 ACTING PRESIDENT BRESLIN:

25 Senator Foley, do you yield to Senator Kruger?

1 SENATOR FOLEY: Certainly. Thank
2 you.

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

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

25 So as it's constructed here, we're

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

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

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

13 SENATOR FOLEY: Yes.

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

22 SENATOR FOLEY: (Nodding.)

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

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

6 So when we look, we see that
7 originally it was anticipated that a little
8 over \$1.5 billion would be raised. I believe
9 \$1.1 billion was from the city, \$230 million
10 from the Island, and about 165 from the Hudson
11 Valley. Are those numbers relevant to that
12 computation, or is there another computation?

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

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

24 ACTING PRESIDENT BRESLIN:
25 Senator Foley.

1 SENATOR FOLEY: Yes, through the
2 chair.

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

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

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

1 what the actual savings will be for our
2 business owners.

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

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

21 ACTING PRESIDENT BRESLIN:
22 Senator Saland.

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

25 ACTING PRESIDENT BRESLIN:

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

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

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

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

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

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

25 What's important here, Senator

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

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

11 SENATOR SALAND: Thank you,
12 Senator Foley.

13 ACTING PRESIDENT BRESLIN:
14 Senator Saland.

15 SENATOR SALAND: Mr. President,
16 on the resolution.

17 ACTING PRESIDENT BRESLIN:
18 Senator Saland, on the resolution.

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

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

7 ACTING PRESIDENT BRESLIN:

8 Senator Kruger, why do you rise?

9 SENATOR CARL KRUGER: Mr.

10 President, I suspect there's an old axiom that
11 says that success has many fathers and defeat
12 is an orphan.

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

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

23 When we're talking about a
24 service --

25 SENATOR SALAND: You're killing

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

3 (Laughter.)

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

7 (Laughter.)

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

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

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

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

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

14 SENATOR SALAND: Thank you,
15 Senator Kruger.

16 ACTING PRESIDENT BRESLIN:
17 Senator Saland.

18 SENATOR SALAND: On the
19 resolution.

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

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

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

9 So for the now famous or infamous
10 Quarter Pounders, I'll use a word that I'm
11 sure Senator Kruger is familiar with. A
12 portion, because it talks about a portion. I
13 don't know whether that portion is 10 percent,
14 20 percent, 30 percent, 40 percent,
15 50 percent. I have no idea. But for the
16 Quarter Pounders, it means bupkis, absolute
17 bupkis.

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

1 certainly welcome some form of relief for my
2 district.

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

9 And as Senator DeFrancisco pointed
10 out in his earlier remarks, we seem to have
11 forgotten that we are in the dying throes of
12 one of the most horrendous budgets that this
13 state has ever seen when, in the midst of
14 another great depression, we adopted a budget,
15 we -- the other side of the aisle adopted a
16 budget which basically imposed some
17 \$12 billion in additional spending and about
18 \$8.5 billion in additional taxes.

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

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

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

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

12 Thank you, Mr. President.

13 ACTING PRESIDENT BRESLIN: Thank
14 you, Senator Saland.

15 Senator Hannon.

16 SENATOR HANNON: Thank you,
17 Mr. President.

18 I've tried to take a look at just
19 the portion of this resolution that deals with
20 the health budget. The health budget that is
21 proposed by the Executive was about
22 \$56 billion, \$57 billion, All Funds. And the
23 Medicaid program, part of that, spending a
24 billion dollars a week.

25 And I would have thought that if

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

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

17 Why did I mention those periods?
18 Because in the last 12 months we've already
19 diverted billions of dollars from the federal
20 stimulus plan that gave enhanced monies to
21 New York State from what they call FMAP, the
22 matching monies from the federal government
23 for our Medicaid expenditures. And we've
24 taken something like 20 to 40 percent to
25 50 percent of those billions and put them into

1 other purposes.

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

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

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

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

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

10 Thank you.

11 ACTING PRESIDENT BRESLIN: Thank
12 you, Senator Hannon.

13 Senator Sampson, to close.

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

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

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

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

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

18 Where was the whole issue about
19 process, where was the process when the budget
20 you voted raised taxes 395 times since 1995?
21 Where was the process when you increased our
22 debt service to \$5.8 billion over the last
23 10 years? Where was the process when you
24 increased our debt load from \$31 billion to
25 \$54 billion? Where was the process when you

1 doubled our state spending over 10 years?

2 And we talk about -- I think
3 Senator DeFrancisco was talking about after
4 the Governor proposes his budget, within
5 10 days we have to have a formulation for
6 conference committees. I don't think, since
7 I've been here, after that 10-day period I
8 don't think we had any formulation with
9 respect to conference committees.

10 Where was the process when we lost
11 tens of thousands of jobs, not only in the
12 city but also throughout the state? Where was
13 the process when property tax increased by
14 320 percent in Nassau County? Where was the
15 process when taxes -- we talk about taxes --
16 they increased in Suffolk County 550 percent?
17 Where was process when homeowners across the
18 state lost their homes? Where was this
19 process?

20 And we talk about one-shots. You
21 know, let's go to the facts. Where was the
22 tough talk when there was an approval of
23 \$24.6 billion worth of one-shots from 1997
24 through 2008? And when you want to talk about
25 a spending cap, none of the budgets that was

1 approved in prior years would have violated
2 that spending cap.

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

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

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

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

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

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

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

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

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

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

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

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

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

12 ACTING PRESIDENT BRESLIN: Thank
13 you, Senator Sampson.

14 The debate is closed.

15 The Secretary will ring the bell.

16 The question is on the resolution.

17 The Secretary will call the roll.

18 (The Secretary called the roll.)

19 SENATOR LIBOUS: Excuse me,
20 Mr. President.

21 ACTING PRESIDENT BRESLIN:
22 Senator Libous.

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

25 ACTING PRESIDENT BRESLIN: I just

1 asked the Secretary to call the roll.

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

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

7 SENATOR LIBOUS: If I may.

8 ACTING PRESIDENT BRESLIN: Fast
9 roll call.

10 SENATOR LIBOUS: Mr. President,
11 if I may.

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

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

16 Are we changing the rules on a
17 resolution?

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

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

25 ACTING PRESIDENT BRESLIN:

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

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

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

9 All those against the resolution
10 please raise your hand.

11 SENATOR SKELOS: Mr. President.

12 ACTING PRESIDENT BRESLIN:
13 Senator Skelos.

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

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

20 SENATOR SKELOS: Thank you very
21 much.

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

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

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

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

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

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

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

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

19 So I will vote no on the
20 resolution.

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

24 Announce the results.

25 THE SECRETARY: Ayes, 32. Nays,

1 29.

2 ACTING PRESIDENT BRESLIN: The
3 resolution is adopted.

4 Senator Klein.

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

8 ACTING PRESIDENT BRESLIN: The
9 Secretary will read.

10 First, Senator Klein, the Secretary
11 will read substitutions.

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

18 ACTING PRESIDENT BRESLIN:
19 Substitution ordered.

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

25 ACTING PRESIDENT BRESLIN:

1 Substitution ordered.

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

7 ACTING PRESIDENT BRESLIN:
8 Substitution ordered.

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

15 ACTING PRESIDENT BRESLIN:
16 Substitution ordered.

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

19 THE SECRETARY: Calendar Number
20 36, by Senator Breslin, Senate Print 4463A, an
21 act to amend the Insurance Law and the
22 Workers' Compensation Law, in relation to
23 requiring.

24 ACTING PRESIDENT BRESLIN: Read
25 the last section.

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

3 ACTING PRESIDENT BRESLIN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BRESLIN:
7 Announce the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT BRESLIN: The
10 bill is passed.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 170, by Senator Aubertine, Senate Print 6758A,
14 an act in relation to authorizing the
15 Commissioner of Transportation.

16 ACTING PRESIDENT BRESLIN: Read
17 the last section.

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

20 ACTING PRESIDENT BRESLIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BRESLIN:
24 Announce the results.

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT BRESLIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 209, by Member of the Assembly Gabryszak,
5 Assembly Print Number 3910A, an act to amend
6 the Election Law, in relation to special
7 ballots.

8 ACTING PRESIDENT BRESLIN: Read
9 the last section.

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

12 ACTING PRESIDENT BRESLIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BRESLIN:
16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT BRESLIN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 217, by Senator Serrano --

22 SENATOR KLEIN: Lay the bill
23 aside for the day.

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

1 THE SECRETARY: Calendar Number
2 265, by Senator Thompson, Senate Print 3025,
3 an act to amend the Navigation Law, in
4 relation to reporting policies and procedures.

5 ACTING PRESIDENT BRESLIN: Read
6 the last section.

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

9 ACTING PRESIDENT BRESLIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BRESLIN:
13 Announce the results.

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

16 ACTING PRESIDENT BRESLIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 274, by Senator Huntley, Senate Print 6683, an
20 act to amend Part R2 of Chapter 62 of the Laws
21 of 2003, amending the Mental Hygiene Law and
22 the State Finance Law.

23 ACTING PRESIDENT BRESLIN: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BRESLIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BRESLIN:
6 Announce the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT BRESLIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 277, by Senator Breslin, Senate Print 6455, an
12 act to amend Chapter 105 of the Laws of 2009
13 amending Chapter 693 of the Laws of 1980.

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

16 Read the last section.

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

19 ACTING PRESIDENT BRESLIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BRESLIN:
23 Announce the results.

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

1 ACTING PRESIDENT BRESLIN: The
2 bill is passed.

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

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

9 ACTING PRESIDENT BRESLIN: So
10 ordered.

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

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

15 SENATOR KLEIN: There being no
16 further business, Mr. President, I move that
17 we adjourn until Tuesday, March 23rd, at
18 3:00 p.m.

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

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

25