

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 April 12, 2010

11 3:30 p.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
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: The  
9 invocation today will be offered by the  
10 Reverend Peter G. Young, of Mother Teresa  
11 Community in Albany.

12 REVEREND YOUNG: Thank you,  
13 Senator.

14 As proud New Yorkers, may I ask you  
15 to join together in looking up rather than  
16 down, to be optimistic rather than  
17 pessimistic.

18 Because as we look up, we see there  
19 the State Seal, and the motto is Excelsior,  
20 meaning "Ever upward." And it replaced the  
21 place of the crown in 1777. Lady Liberty,  
22 with a peasant cap representing democratic  
23 rule, has her left foot stepping on the crown,  
24 representing the rejection of royalty.

25 As citizens of the Empire State, we

1 have been the leaders with our constitution  
2 twelve years before the federal Constitution.

3 As a national leader, You have  
4 given these Senators a great power and a great  
5 responsibility. We pray that they will always  
6 work with Your name and Your image and Your  
7 honor for all of our New York State citizens.

8 Amen.

9 ACTING PRESIDENT BRESLIN: Thank  
10 you, Father Young.

11 The reading of the Journal.

12 The Secretary will read.

13 THE SECRETARY: In Senate,  
14 Sunday, April 11, the Senate met pursuant to  
15 adjournment. The Journal of Saturday,  
16 April 10, was read and approved. On motion,  
17 Senate adjourned.

18 ACTING PRESIDENT BRESLIN:  
19 Without objection, the Journal stands approved  
20 as read.

21 Presentation of petitions.

22 Messages from the Assembly.

23 Messages from the Governor.

24 Reports of standing committees.

25 Reports of select committees.

1                   Communications and reports from  
2                   state officers.

3                   Motions and resolutions.

4                   Senator Klein.

5                   SENATOR KLEIN:       Mr. President, I  
6                   have several motions.

7                   First, on behalf of Senator  
8                   Addabbo, on page number 19 I offer the  
9                   following amendments to Calendar Number 293,  
10                  Senate Print Number 2867A, and ask that said  
11                  bill retain its place on Third Reading  
12                  Calendar.

13                  ACTING PRESIDENT BRESLIN:       So  
14                  ordered.

15                  SENATOR KLEIN:       On behalf of  
16                  Senator Dilan, on page 14 I offer the  
17                  following amendments to Calendar Number 208,  
18                  Senate Print Number 1434, and ask that said  
19                  bill retain its place on Third Reading  
20                  Calendar.

21                  ACTING PRESIDENT BRESLIN:       So  
22                  ordered.

23                  SENATOR KLEIN:       On behalf of  
24                  Senator Thompson, on page number 10 I offer  
25                  the following amendments to Calendar Number

1       102, Senate Print Number 1230, and ask that  
2       said bill retain its place on Third Reading  
3       Calendar.

4                ACTING PRESIDENT BRESLIN:       So  
5       ordered.

6                Senator Klein.

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

9                ACTING PRESIDENT BRESLIN:       There  
10       are substitutions at the desk.

11               The Secretary will read.

12               THE SECRETARY:       On page 15,  
13       Senator Serrano moves to discharge, from the  
14       Committee on Civil Service and Pensions,  
15       Assembly Bill Number 6371A and substitute it  
16       for the identical Senate Bill Number 3555A,  
17       Third Reading Calendar 217.

18               ACTING PRESIDENT BRESLIN:  
19       Substitution ordered.

20               Senator Klein.

21               SENATOR KLEIN:       Mr. President, I  
22       believe there's a resolution at the desk by  
23       Senator Stachowski. I ask that the resolution  
24       be 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 read.

9                   THE SECRETARY:       By Senators  
10          Stachowski, Squadron, Dilan, Valesky and  
11          Maziarz, legislative resolution expressing  
12          sincerest sorrow upon the occasion of the  
13          untimely death of Polish President Lech  
14          Kaczynski, who died in a plane crash on  
15          Saturday, April 10, 2010.

16                   "WHEREAS, It is with feelings of  
17          great sorrow and deepest regret that this  
18          Legislative Body records the passing of Polish  
19          President Lech Kaczynski, a lifelong academic  
20          who rose to popularity leading Warsaw, Poland;  
21          and

22                   "WHEREAS, A plane carrying  
23          60-year-old Polish President Lech Kaczynski,  
24          his wife, Maria, and dozens of the country's  
25          top political and military leaders crashed

1 while trying to land at an airport near  
2 Smolensk, in Russia, tragically taking the  
3 lives of all those on board; and

4 "WHEREAS, President Lech Kaczynski  
5 was on his way to attend a ceremony observing  
6 the 70th Anniversary of the Russian massacre  
7 of Polish prisoners of war in the village of  
8 Katyn. The plane was just a few miles east of  
9 Katyn when it crashed around 10:50 a.m. on the  
10 outskirts of the town of Pechorsk, close to  
11 Smolensk; and

12 "WHEREAS, During the Russian  
13 massacre, approximately 20,000 Poles,  
14 including soldiers and civilians, were  
15 executed there during World War II; and

16 "WHEREAS, Parliament Speaker  
17 Bronislaw Komorowski immediately assumed the  
18 role of Acting President and declared it 'a  
19 time for national mourning'; and

20 "WHEREAS, The other Polish  
21 officials killed in the crash include  
22 Aleksander Szczyglo, head of the National  
23 Security Office; Jerzy Szmajdzinski, Deputy  
24 Parliament Secretary; Andrzej Kremer, Deputy  
25 Foreign Minister; and General Franciszek

1       Gagor, the Army Chief of Staff. In addition,  
2       Slawomir Skrzypek, head of the National Bank  
3       of Poland, also died in the crash; and

4               "WHEREAS, President Lech Kaczynski  
5       was born in June of 1949 to parents who were  
6       educators. His mother, a teacher, served as a  
7       nurse during World War II, and his father was  
8       a lecturer at Warsaw University of Technology.  
9       President Kaczynski was one of twin boys who  
10      would both hold national office; and

11              "WHEREAS, The Honorable Lech  
12      Kaczynski was elected President of Poland in  
13      2005, after securing more than 54 percent of  
14      the first-round vote; and

15              "WHEREAS, Tens of thousands of  
16      civilians across Poland observed a  
17      two-minute-long moment of silence to remember  
18      their leader as well as all the others who  
19      died in the plane crash; and

20              "WHEREAS, Armed with a humanistic  
21      spirit, imbued with a sense of compassion, and  
22      supported by a loyal nation, President Lech  
23      Kaczynski leaves behind a legacy which will  
24      long endure the passage of time and will  
25      remain as a comforting memory to all he



1 served; and

2 "WHEREAS, A respected dignitary and  
3 trusted leader, President Lech Kaczynski was a  
4 man of values and commitment, and each and  
5 every citizen of Poland most certainly  
6 benefited from his sincere dedication,  
7 intelligence and compassion. He will be  
8 greatly missed and truly merits the grateful  
9 tribute of this Legislative Body; now,  
10 therefore, be it

11 "RESOLVED, That this Legislative  
12 Body pause in its deliberations to express  
13 sincerest sorrow upon the occasion of the  
14 untimely death of Polish President Lech  
15 Kaczynski, recognizing the significance of  
16 this exemplary man who dedicated himself to  
17 the people he served; and be it further

18 "RESOLVED, That a copy of this  
19 resolution, suitably engrossed, be transmitted  
20 to the family of President Lech Kaczynski."

21 ACTING PRESIDENT BRESLIN:  
22 Senator Stachowski.

23 SENATOR STACHOWSKI: Yes,  
24 Mr. President. I think it's important that we  
25 recognize this tragedy.

1                    Obviously, for everybody of  
2                    Polish-American descent, this is a major loss.  
3                    The president was a very popular man, had a  
4                    great record of serving in different roles in  
5                    government.

6                    Tragically, most of his government,  
7                    a lot of his government was on the plane, as  
8                    well as some of the other Polish dignitaries  
9                    and people from the arts that were going to  
10                   recognize the 70th anniversary of the Katyn  
11                   Massacre, where 20,000 Poles were shot down as  
12                   they were taken from prison.

13                   So in a place now that was  
14                   considered bad to start with, another tragedy  
15                   takes place. The people of Poland suffer  
16                   another major loss. It's with great sadness  
17                   that we pass this resolution.

18                   The president left a daughter, and  
19                   she had two little girls, so he has two  
20                   granddaughters that survived.

21                   It's a terrible loss for the  
22                   country. It's a terrible loss, obviously, for  
23                   humanity. And it's a terrible loss for his  
24                   family and the families of all those  
25                   dignitaries and others who were on that plane

1 to go to that observance. So I think it's  
2 important that we recognize this and that we  
3 consciously give our condolences and our  
4 recognition of their grief.

5 And I also would like to make sure  
6 that this resolution is opened up to anybody,  
7 except those that choose not to be on it,  
8 because I think it's important that this is  
9 recognized by the whole Senate.

10 Thank you, Mr. President.

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

13 Senator Maziarz.

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

16 I join with my colleagues on this  
17 very sad occasion, with the President of  
18 Poland killed in a plane crash.

19 And I think it's ironic, as Senator  
20 Stachowski pointed out, I know that every year  
21 in this body our former colleague Senator  
22 Maltese, and then later myself and Senator  
23 Stachowski, had passed a resolution honoring  
24 those victims of the Katyn Forest massacre,  
25 20,000 Polish citizens who were murdered. And

1 President Kaczynski was on his way to  
2 commemorate those brave souls on the  
3 70th anniversary of that particular massacre.

4 I think it's great that we pause in  
5 our deliberations to do this. It's a very sad  
6 day for Polish people all over the world -- in  
7 Buffalo, Chicago, and certainly to the people,  
8 to the residents of Poland.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BRESLIN: Thank  
11 you, Senator Maziarz.

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: Yes, I want  
14 to rise in support of this resolution as well.

15 You know, the amazing -- I think  
16 the part of this whole tragedy that really  
17 hits the hardest is if you look at the list of  
18 individuals who were killed and try to think  
19 of what it would do to this country if people  
20 in those same positions died in the same  
21 accident. I mean, it is truly, truly a  
22 national tragedy. And it's horrible.

23 And it seems to me that what is  
24 important that comes out of this is that the  
25 country stays together under the constitution

1       that it has. And it apparently is holding  
2       together despite the number of high elected  
3       officials that were killed in this tragedy.

4               So it's not only a personal  
5       tragedy, but it's also a real test for the  
6       government, a test for Poland at this very  
7       critical time in their history. And they're  
8       passing that test with flying colors. And  
9       it's important to note that that is important  
10      to everyone throughout the world.

11             So I really appreciate this  
12      resolution being put forward, and I strongly  
13      support it and extend my condolences to the  
14      Polish people but also to the whole world,  
15      because this tragedy affects all of us.

16             Thank you.

17             ACTING PRESIDENT BRESLIN:     Are  
18      there any other Senators wishing to be heard  
19      on the resolution?

20             Hearing none, the question is on  
21      the resolution. All those in favor signify by  
22      saying 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 And if we could now have a moment  
5 of silence recognizing the tragedy.

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

8 ACTING PRESIDENT BRESLIN:  
9 Senator Stachowski has indicated that he would  
10 like to open up the resolution for  
11 cosponsorship by the entire house. Any  
12 Senator not wishing to be part of the  
13 resolution please notify the desk.

14 Senator Klein.

15 SENATOR KLEIN: Mr. President,  
16 there will be an immediate meeting of the  
17 Finance Committee, followed by an immediate  
18 meeting of the Rules Committee, both in the  
19 Majority Conference Room.

20 Pending the return of the Rules  
21 Committee, can we please stand at ease.

22 ACTING PRESIDENT BRESLIN: There  
23 will be an immediate meeting of the Senate  
24 Finance Committee in Room 332, followed by a  
25 meeting of the Rules Committee.

1 Pending the return of those two  
2 committees, we will stand at ease.

3 (Whereupon, the Senate stood at  
4 ease at 3:44 p.m.)

5 (Whereupon, the Senate reconvened  
6 at 4:57 p.m.)

7 ACTING PRESIDENT BRESLIN:  
8 Senator Klein.

9 SENATOR KLEIN: Mr. President, I  
10 believe there's a report of the Rules  
11 Committee at the desk. I move that we adopt  
12 the report at this time.

13 ACTING PRESIDENT BRESLIN:  
14 Senator Klein, there is a report of the Rules  
15 Committee at the desk. The Secretary will  
16 read.

17 THE SECRETARY: Senator Smith,  
18 from the Committee on Rules, reports the  
19 following bill direct to third reading:

20 Senate Print 7443, by the Senate  
21 Committee on Rules, an act making  
22 appropriations for the support of government.

23 ACTING PRESIDENT BRESLIN: All  
24 those in favor of adopting the Rules Committee  
25 report please signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT BRESLIN:

3 Opposed, nay.

4 (No response.)

5 ACTING PRESIDENT BRESLIN: The  
6 Rules Committee report is adopted.

7 Senator Klein.

8 SENATOR KLEIN: Mr. President, at  
9 this time can we please go to a reading of the  
10 calendar.

11 ACTING PRESIDENT BRESLIN: The  
12 Secretary will read.

13 THE SECRETARY: Calendar Number  
14 289, by Member of the Assembly Latimer,  
15 Assembly Print Number 217, an act to amend the  
16 Insurance Law, in relation to third-party  
17 notification.

18 ACTING PRESIDENT BRESLIN: Read  
19 the last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect on the 180th day.

22 ACTING PRESIDENT BRESLIN: Call  
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BRESLIN:



1       Announce the results.

2               THE SECRETARY:     Ayes, 59.   Nays,  
3       1.   Senator Ranzenhofer recorded in the  
4       negative.

5               ACTING PRESIDENT BRESLIN:     The  
6       bill is passed.

7               THE SECRETARY:     Calendar Number  
8       290, by Senator Breslin, Senate Print 6948, an  
9       act to amend the Insurance Law, in relation to  
10      subscribers.

11              ACTING PRESIDENT BRESLIN:     Read  
12      the last section.

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

15              ACTING PRESIDENT BRESLIN:     Call  
16      the roll.

17              (The Secretary called the roll.)

18              ACTING PRESIDENT BRESLIN:  
19      Announce the results.

20              THE SECRETARY:     Ayes, 60.

21              ACTING PRESIDENT BRESLIN:     The  
22      bill is passed.

23              THE SECRETARY:     Calendar Number  
24      291, by Senator Klein, Senate Print 6225, an  
25      act to amend the General City Law and

1 Chapter 602 of the Laws of 1993 amending the  
2 Real Property Tax Law.

3 ACTING PRESIDENT BRESLIN: Read  
4 the last section.

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

7 ACTING PRESIDENT BRESLIN: Call  
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BRESLIN:  
11 Announce the results.

12 THE SECRETARY: Ayes, 59. Nays,  
13 1. Senator Ranzenhofer recorded in the  
14 negative.

15 ACTING PRESIDENT BRESLIN: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 307, by Senator Stewart-Cousins, Senate Print  
19 1789D, an act to amend Chapter 118 of the Laws  
20 of 1969, relating to a separate union free  
21 school district.

22 ACTING PRESIDENT BRESLIN: Read  
23 the last section.

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

1                   ACTING PRESIDENT BRESLIN:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BRESLIN:  
5     Announce the results.

6                   THE SECRETARY:     Ayes, 60.

7                   ACTING PRESIDENT BRESLIN:     The  
8     bill is passed.

9                   THE SECRETARY:     Calendar Number  
10    309, by Senator Libous, Senate Print 4301A, an  
11    act to authorize the Town of Sanford, in the  
12    County of Broome.

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

15                  Read the last section.

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

18                  ACTING PRESIDENT BRESLIN:     Call  
19    the roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT BRESLIN:  
22    Announce the results.

23                  THE SECRETARY:     In relation to  
24    Calendar Number 309, recorded in the negative  
25    are Senators Foley and C. Johnson.

1                   Ayes, 58.   Nays, 2.

2                   ACTING PRESIDENT BRESLIN:     The  
3   bill is passed.

4                   THE SECRETARY:     Calendar Number  
5   312, by Senator Foley, Senate Print 6139, an  
6   act to authorize Lighthouse Mission, Inc., to  
7   file an application.

8                   ACTING PRESIDENT BRESLIN:     Read  
9   the last section.

10                  THE SECRETARY:     Section 2.   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, 57.   Nays,  
18   3.   Senators Bonacic, O. Johnson and Larkin  
19   recorded in the negative.

20                  ACTING PRESIDENT BRESLIN:     The  
21   bill is passed.

22                  THE SECRETARY:     Calendar Number  
23   315, by Senator Stewart-Cousins --

24                  SENATOR KLEIN:     Lay the bill  
25   aside for the day.

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

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

5                   SENATOR LIBOUS:     Mr. President, I  
6     believe Senator Johnson had his hand up to  
7     vote no on a previous bill.  If we could --

8                   ACTING PRESIDENT BRESLIN:     We  
9     apologize, Senator Johnson.

10                  SENATOR LIBOUS:     Mr. President, I  
11     believe that was Calendar Number 312.

12                  ACTING PRESIDENT BRESLIN:     On  
13     Calendar 312, Senator O. Johnson will be  
14     recorded in the negative.

15                  Senator Diaz.

16                  SENATOR DIAZ:     Mr. President,  
17     thank you for this opportunity.

18                  I'm just going back to the bill,  
19     Calendar Number 289, which I'm sponsoring.  
20     And I just want to thank especially, to  
21     express my appreciation to Senator Klein and  
22     Senator Maziarz for being cosponsors of this  
23     bill with me.

24                  This is something wonderful for  
25     senior citizens.  This is something that will

1       give senior citizens the opportunity to assign  
2       a third person when the insurance company  
3       notifies them that the insurance is in  
4       jeopardy and that they could be canceled, the  
5       insurance could be canceled.

6               Because some senior citizens  
7       65 years and older, sometimes they lose their  
8       insurance because they don't know, they don't  
9       understand or they don't have the way of  
10      knowing the reason.

11              With this bill, many senior  
12      citizens 65 years and older will be provided  
13      with a third person to help them, a third  
14      person that will be notified in case that  
15      their health insurance or their long-term  
16      health insurance will be in jeopardy.

17              So I appreciate the opportunity to  
18      those -- the bill already passed in the  
19      Assembly, 143 to nothing. It passed in the  
20      Assembly. So thank you to all my colleagues  
21      that voted for the bill. And again, thank  
22      you, Senator Klein and Senator Maziarz, for  
23      supporting and being cosponsors on this bill.

24              And this is a wonderful, wonderful  
25      bill. So thank you. Thank you, Mr. Chairman.

1                   ACTING PRESIDENT BRESLIN:     Thank  
2     you, Senator Diaz. You will be recorded in  
3     the affirmative on Calendar Number 289.

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

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

9                   ACTING PRESIDENT BRESLIN:     The  
10    Secretary will read.

11                  THE SECRETARY:     In relation to  
12    Calendar Number 345, Senator C. Kruger moves  
13    to discharge, from the Committee on Finance,  
14    Assembly Bill Number 10610 and substitute it  
15    for the identical Senate Bill Number 7443,  
16    Third Reading Calendar 345.

17                  ACTING PRESIDENT BRESLIN:  
18    Substitution ordered.

19                  The Secretary will read.

20                  THE SECRETARY:     Calendar Number  
21    345, by the Committee on Rules --

22                  SENATOR LIBOUS:     Lay the bill  
23    aside.

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

1                   That completes the reading of the  
2                   noncontroversial supplemental calendar,  
3                   Senator Klein.

4                   Senator Klein.

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

8                   ACTING PRESIDENT BRESLIN:     The  
9                   Secretary will read.

10                  THE SECRETARY:     Calendar Number  
11                  345, substituted earlier by the Assembly  
12                  Committee on Rules, Assembly Print Number  
13                  10610, an act making appropriations for the  
14                  support of government.

15                  ACTING PRESIDENT BRESLIN:  
16                  Senator Klein.

17                  SENATOR KLEIN:     Mr. President, is  
18                  there a message of necessity and appropriation  
19                  at the desk?

20                  ACTING PRESIDENT BRESLIN:     There  
21                  is a message of necessity and appropriation at  
22                  the desk, Senator Klein.

23                  SENATOR KLEIN:     Mr. President, I  
24                  move to accept the message at this time.

25                  ACTING PRESIDENT BRESLIN:     The



1 question is on the acceptance of the message  
2 of necessity and appropriation. All those in  
3 favor please signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT BRESLIN:

6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT BRESLIN: The  
9 message of necessity and appropriation is  
10 adopted.

11 SENATOR LIBOUS: Mr. President.

12 ACTING PRESIDENT BRESLIN:

13 Senator Libous.

14 SENATOR LIBOUS: Thank you,  
15 Mr. President.

16 I believe there's an amendment at  
17 the desk by Senator DeFrancisco. I ask that  
18 the title be read and you could call on  
19 Senator DeFrancisco, please.

20 ACTING PRESIDENT BRESLIN:

21 Senator Libous, the amendment of Senator  
22 DeFrancisco is here at the desk. Without  
23 objection, the reading is waived and Senator  
24 DeFrancisco may speak on the amendment.

25 SENATOR LIBOUS: Thank you,

1 Mr. President.

2 SENATOR DeFRANCISCO: Thank you.

3 I clearly understand, on the main  
4 bill, the importance of keeping government  
5 running and paying public employees in order  
6 to continue the operation of government. But  
7 equally as important is that contractors that  
8 are doing government work under  
9 state-enforceable contracts who actually hire  
10 employees as well be paid as well.

11 The economy is bad enough as it  
12 exists in the State of New York and elsewhere  
13 throughout the country, and it seems  
14 shortsighted at best to not make certain that  
15 payments made under legally enforceable  
16 contracts so that people can remain employed  
17 in the State of New York also be included in  
18 this extender bill.

19 And for that reason, I'm requesting  
20 that this amendment be adopted by the entire  
21 body so that employees, both public and  
22 private, that are doing business either as  
23 employees or under contract with the State of  
24 New York be paid, so that the economy doesn't  
25 worsen, so that tax revenues don't continue to

1 go down in the spiral they've been going down  
2 and worsen the problem.

3 So I would urge the adoption of  
4 this amendment by the entire house.

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

7 Senator Dilan.

8 SENATOR DILAN: Yes,  
9 Mr. President. I rise just to indicate that  
10 this is a position that I've been advocating  
11 as chairman of the Transportation Committee of  
12 the Senate throughout the course of the last  
13 couple of weeks since we have not been able to  
14 come up with a state budget.

15 And last week, when we did our  
16 first amended emergency appropriation, I  
17 brought this issue to the attention of my  
18 conference and also to the attention of the  
19 Governor's office on the second floor.

20 And our leadership and our  
21 membership have also reached out to the  
22 Governor to indicate that we insist that these  
23 contracts continue for the sake of public  
24 safety and also for the purpose of keeping  
25 individuals employed in the State of New York.

1 But above all, it's about the public safety.

2 Just this morning I sent a letter  
3 to the Director of the Budget with respect to  
4 Section 7 of the emergency appropriation bill  
5 being considered here today. And I just want  
6 to read one paragraph in that letter.

7 And it says: "I insist that any  
8 interpretation of this section which provides  
9 \$10 million for approval of capital  
10 construction projects for emergency safety  
11 purposes from April 1, 2010, to April 18,  
12 2010, include vital transportation  
13 infrastructure projects throughout the state."

14 And I'm insisting that this would  
15 be nonstimulus money, that it be state capital  
16 funds to pay for these projects, and that the  
17 safety of individuals throughout the state be  
18 maintained. So I expect that the Office of  
19 the Budget and DOT can continue with those  
20 contracts.

21 This is the position I have, and I  
22 expect that the Department of Transportation  
23 will continue these contracts and that DOB  
24 would agree with my position.

25 However, I will be voting no on the

1 hostile amendment, in view of the fact that  
2 also the Assembly today passed their  
3 appropriation and we would not have a same-as  
4 bill and would, in essence, shut government  
5 down. I don't think that we could allow that  
6 at this time.

7 But also I want to go on the record  
8 that I will continue fighting with the second  
9 floor to make sure that we have our  
10 maintenance and contracts for roads and  
11 bridges throughout the state, which is the  
12 position that our conference has also taken.  
13 We will continue to fight for that.

14 Thank you, Mr. President.

15 ACTING PRESIDENT BRESLIN:

16 Senator DeFrancisco.

17 SENATOR DeFRANCISCO: Yes, I  
18 would just like to respond.

19 And I understand Senator Dilan's  
20 position, and he's been consistent on that  
21 position.

22 But I think there comes a point in  
23 time that we really and truly ought to fight  
24 in the forum where we have some power rather  
25 than hoping for the goodwill of the

1 administration.

2 And where we have some power now is  
3 to basically say this extender is  
4 insufficient. And I don't believe it will  
5 shut down government. It will send a message  
6 to the Governor that, you know, it's really  
7 important not only for public safety but also  
8 to keep people employed.

9 And, you know, now is the time to  
10 really do it. We've got a lot of time before  
11 government shuts down that we could get some  
12 response from the Governor's office and  
13 hopefully from the Assembly as well.

14 And I appreciate the goodwill, I  
15 appreciate letters, I appreciate the  
16 expectations. But a statute that actually  
17 says you've got to do it to me is far  
18 superior. So I would urge the support of all  
19 parties in this Senate house to support this  
20 amendment.

21 Thank you.

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

24 Senator Fuschillo.

25 SENATOR FUSCHILLO: Thank you,

1 Mr. President.

2 I'm going to support the amendment  
3 put forth by Senator DeFrancisco. I want to  
4 thank him. And I also want to thank the  
5 chairman of the Transportation Committee for  
6 his letter to the Governor and also the fight  
7 with the Governor.

8 But the fight is here, right now,  
9 at ten after 5:00. The Assembly can go back  
10 into session, the Governor can hand down this  
11 bill to them. The fight is to allow these  
12 contractors avoid bankruptcy. The fight is to  
13 keep the jobs going throughout New York State  
14 in economic development. And the fight, first  
15 and foremost, is for public safety.

16 It's going to stop. The public is  
17 going to be jeopardized when the contractors  
18 aren't repairing the roads or the bridges  
19 throughout the state that are already failing.

20 So the fight starts now. And we  
21 have the leverage to stop it right now. And  
22 this is the leverage. Because we're not going  
23 to shut down government, we're going to  
24 enhance government and we're going to enhance  
25 public safety.

1 I'll be supporting the amendment.

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

4 The question is on the nonsponsor  
5 motion to amend Calendar --

6 SENATOR LIBOUS: Mr. President,  
7 could I ask for a show of hands in support,  
8 please.

9 ACTING PRESIDENT BRESLIN: Yes,  
10 certainly.

11 SENATOR LIBOUS: Thank you,  
12 Mr. President.

13 The question is on the nonsponsor  
14 motion to amend Calendar Number 345. Those  
15 Senators voting in support of the nonsponsor  
16 amendment please raise their hands.

17 Announce the results.

18 THE SECRETARY: Ayes, 28. Nays,  
19 32.

20 ACTING PRESIDENT BRESLIN: The  
21 motion fails.

22 Read the last section.

23 SENATOR DeFRANCISCO:  
24 Explanation.

25 ACTING PRESIDENT BRESLIN: Excuse



1 me, an explanation has been requested by  
2 Senator DeFrancisco.

3 Senator Kruger.

4 SENATOR CARL KRUGER: This is a  
5 straightforward extender, an emergency budget  
6 extender that will be for a period of one  
7 week.

8 ACTING PRESIDENT BRESLIN: Thank  
9 you, Senator Kruger.

10 Senator Klein.

11 SENATOR KLEIN: Mr. President,  
12 upon unanimous consent, I ask that the roll be  
13 opened for Assembly Bill Number 10610,  
14 presently on the calendar, so that Senator  
15 Schneiderman can vote on the bill.

16 ACTING PRESIDENT BRESLIN: The  
17 Secretary will call the roll.

18 (The Secretary called the roll.)

19 SENATOR SCHNEIDERMAN: Yes.

20 ACTING PRESIDENT BRESLIN:  
21 Senator Schneiderman will be recorded in the  
22 affirmative.

23 The roll is closed, and the bill is  
24 before the house.

25 Senator DeFrancisco.

1                   SENATOR DeFRANCISCO:     I have a  
2     few questions of the sponsor, if he would  
3     yield to the questions.

4                   ACTING PRESIDENT BRESLIN:  
5     Senator Kruger, will you yield to Senator  
6     DeFrancisco?

7                   SENATOR CARL KRUGER:     Yes, I do,  
8     thank you.

9                   ACTING PRESIDENT BRESLIN:     You  
10    may proceed, Senator DeFrancisco.

11                  SENATOR DeFRANCISCO:     Senator  
12    Kruger, we certainly understand the arguments  
13    that were made on the amendment and so forth.  
14    And I know that everybody in this house  
15    unanimously wants to get transportation  
16    projects going, capital projects, and the  
17    like.

18                  And since the amendment failed, the  
19    only way that's going to happen is to have a  
20    budget. So to you, as chairman of Finance, I  
21    would like to know where the budget itself  
22    stands before I can vote on another extender.

23                  SENATOR CARL KRUGER:     Senator, as  
24    the ranking member of the Finance Committee,  
25    I'm sure you're well aware of exactly where

1 the stages of negotiations are since we've  
2 opened up those negotiations to both sides of  
3 the aisle and in both houses.

4 But right now there are three-way  
5 negotiations going on, and they continue to go  
6 on. And at this point we are in a position  
7 where we have to vote on an extender in order  
8 to keep government functioning during those  
9 negotiations.

10 SENATOR DeFRANCISCO: Would  
11 Senator Kruger yield to another question.

12 ACTING PRESIDENT BRESLIN:  
13 Senator C. Kruger, will you yield to another  
14 question by Senator DeFrancisco?

15 SENATOR CARL KRUGER: Yes, I do.

16 SENATOR DeFRANCISCO: You've just  
17 mentioned that I know very well where the  
18 negotiations are going since we've been  
19 included. Can you tell me one meeting in  
20 these negotiations that I've been included and  
21 the people on this side of the aisle have been  
22 included in this process?

23 SENATOR CARL KRUGER: Senator,  
24 you're aware of the five-way meeting that the  
25 Governor called at the time that the process

1 was opened for negotiations?

2 ACTING PRESIDENT BRESLIN:

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: To answer  
5 his question, I am aware of that, but I didn't  
6 realize that was negotiations. Because I  
7 thought negotiations was that once you --

8 ACTING PRESIDENT BRESLIN: Are  
9 you explaining your vote, Senator DeFrancisco?

10 SENATOR DeFRANCISCO: No, I'll  
11 explain my vote momentarily.

12 But if Senator Kruger would yield  
13 to another question.

14 ACTING PRESIDENT BRESLIN:  
15 Senator Kruger, do you yield to Senator  
16 DeFrancisco?

17 SENATOR CARL KRUGER: Yes, I do.

18 SENATOR DeFRANCISCO: Are we  
19 going to have compliance at any point in time  
20 in this process with the reform proposal that  
21 was passed in 2007 which called for a schedule  
22 to be set after the Governor proposed his  
23 budget, called for when we were going to have  
24 joint conference committees on the various  
25 versions of the budget by the Senate and the

1       Assembly? Are we ever going to start that  
2       process?

3               And if so, when? Because while  
4       we're waiting, people are not getting paid on  
5       public transportation, other contracting jobs,  
6       as everyone has agreed already today that  
7       affects the public safety in this State of  
8       New York. Can you tell me if we're ever going  
9       to go to that?

10              ACTING PRESIDENT BRESLIN:

11       Senator Kruger.

12              SENATOR CARL KRUGER:       Through  
13       you, Mr. President.

14              Firstly, the five-way meeting was  
15       the kickoff to the conference committee  
16       process. And the conference committees is an  
17       absolute commitment on the part of this  
18       Majority that there will be conference  
19       committees on the budget.

20              SENATOR DeFRANCISCO:       Thank you.  
21       Thank you. One last question of the sponsor,  
22       if he would yield one more time.

23              ACTING PRESIDENT BRESLIN:

24       Senator Kruger, do you yield to one last  
25       question from Senator DeFrancisco?

1                   SENATOR CARL KRUGER:     Absolutely,  
2     Mr. President.

3                   ACTING PRESIDENT BRESLIN:  
4     Senator DeFrancisco.

5                   SENATOR DeFRANCISCO:     Since the  
6     schedule was supposed to be done 10 days after  
7     the Governor submitted his budget to the  
8     Legislature, and now we're in April -- I think  
9     we're the 12th of April. The 12th of April,  
10    13th of April; I lose time here in Albany.

11                   But the fact of the matter is we're  
12    about three months after that time when the  
13    schedule was supposed to be submitted. Can  
14    you tell me when we will get the schedule for  
15    these joint conference committees?

16                   ACTING PRESIDENT BRESLIN:  
17    Senator Kruger.

18                   SENATOR CARL KRUGER:     When the  
19    negotiations reach the critical mass where we  
20    actually can be at the tables in conference  
21    committee mode on a day-to-day basis, you will  
22    be getting the schedule.

23                   SENATOR DeFRANCISCO:     Thank you,  
24    Senator.

25                   SENATOR CARL KRUGER:     Thank you.

1                   SENATOR DeFRANCISCO:     On the  
2     bill.

3                   ACTING PRESIDENT BRESLIN:  
4     Senator DeFrancisco, on the bill.

5                   SENATOR DeFRANCISCO:     If anybody  
6     believes what was just said, I've got several  
7     things I'd like to sell them, because this is  
8     the most ridiculous explanation I've heard  
9     since I've been in the Senate.

10                  We're going to start negotiations  
11     once there is a critical mass agreed by the  
12     leaders behind closed doors. This is the  
13     reform agenda party.

14                  In 2007, we passed a very logical  
15     thing -- and we followed it in 2008 -- where  
16     each house passes a bill and discussions on  
17     the two versions take place in public between  
18     the Assembly and the Senate. And then there's  
19     a schedule leading up to April 1st.

20                  I've been on this floor repeatedly  
21     making the request when we're going to start  
22     this process, and we keep getting, "Well, we  
23     will do it. We commit to you that we will do  
24     it."

25                  We're now two weeks late on the

1 budget; no schedule has been set as yet. And  
2 quite frankly, this side of the aisle has not  
3 been included at all, ever, in any real  
4 discussions about the budget. This is  
5 following the pattern of last year when we  
6 also did not follow the 2007 reform agenda.

7 This year we've got new reforms  
8 that were just unveiled last week by the  
9 majority party, which it would be nice if the  
10 prior reforms be complied with, especially  
11 when we're now not paying people to do  
12 construction work that deal with the public  
13 safety.

14 So I guess the point that I've made  
15 repeatedly, you know, let's be honest on this  
16 floor. Let's really be truthful as to what's  
17 going on. We've got no action whatsoever  
18 except a couple of leaders behind closed doors  
19 trying to figure out how they're going to come  
20 up with a budget like they did last year,  
21 throw it on our desks, and say "Take it or  
22 leave it." That is not the way the process is  
23 to work, and that's not going to get this  
24 budget process done.

25 And even the Governor is saying



1 he's not even being talked to by the  
2 legislative leaders. Now, I'm not so sure how  
3 that critical mass that Senator Kruger just  
4 referred to gets accomplished when even the  
5 three leaders aren't meeting, by the admission  
6 of the Governor of the State of New York.

7 So I guess you can get cynical, you  
8 can get frustrated, as everyone in this room  
9 is now -- and I'm sure many members on the  
10 other side of the aisle are as frustrated as I  
11 am. But at some point in time, at some point  
12 in time when there's a process that's set by  
13 law, we've got to follow it. The leadership's  
14 got to follow it. And then we'd get a budget,  
15 and it would be a good budget.

16 I know it's more convenient for  
17 Speaker Silver to not have to justify his  
18 \$2 billion in borrowing when he's questioned  
19 in a public conference committee, or to have  
20 the chairman of Finance have to justify why  
21 we're just doing one-shots in order to close  
22 the budget gaps, as opposed to long-term cuts  
23 that are going to be a long-term solution.  
24 It's uncomfortable.

25 But at least the public sees what's

1       going on and can put pressure on those people  
2       who believe that taxing, continuing spending  
3       and borrowing is preferable to cutting  
4       spending so that we deal with the actual  
5       problem in the State of New York, a structural  
6       problem that is too much spending in the  
7       budget.

8               So rather than repeating myself, I  
9       simply want to say the time has come where I  
10      can't support an extender. And if people are  
11      going to accuse me, if people are going to  
12      accuse me of stopping government, they can  
13      accuse me of whatever they want to accuse me  
14      of.

15             The fact of the matter is there's a  
16      way to get this government rolling, and all  
17      the government -- not just public employees,  
18      but contractors who've got to get paid.  
19      There's one contractor who stopped me, he's a  
20      major contractor in my area; this week he's  
21      laid off 90 people because a contract that  
22      he's performed on is not going to be paid.  
23      Now, how ridiculous is that?

24             So government is stopping, jobs are  
25      stopping by our inactivity and our constantly

1       being told "We're going to start the process,  
2       we're going to commit to conference committee  
3       meetings. We've got to have a critical mass."

4               That doesn't sell, ladies and  
5       gentlemen. And now is the time to vote no on  
6       this. We want a budget, we want the process,  
7       we don't want extenders that only apply to the  
8       favored few and don't apply to get this state  
9       out of the hole that it is currently in.

10              So I'm going to vote no on this  
11       bill. And I believe that that's the only way  
12       we're going to have a real budget discussion,  
13       the only real way we're going to get this  
14       process moving in this state.

15              Thank you.

16              ACTING PRESIDENT BRESLIN:     Thank  
17       you, Senator DeFrancisco.

18              Senator Libous.

19              SENATOR LIBOUS:     Thank you,  
20       Mr. President.

21              I too rise not to debate spending  
22       or taxes -- we're going to have plenty of time  
23       to do that -- but why we have to do this  
24       extender. And I go back to what Senator  
25       DeFrancisco said.

1           You know, like a couple of people  
2           on the other side of the aisle, I had the  
3           pleasure of serving on the committee that came  
4           up with budget reform a number of years ago.  
5           And we set a very effective process. Because  
6           when that side of the aisle was over here,  
7           they said they were frustrated because they  
8           weren't included.

9           So we worked together and came up  
10          with a process, a very effective process that  
11          would allow both sides of the aisle, this  
12          chamber, to work together with the Assembly,  
13          both sides of the aisle, and to come up with a  
14          resolution, to come up with hopefully a budget  
15          on time, and to proceed.

16          It was disappointing to me -- and  
17          as I said, we'll talk about the merits later  
18          when a budget hits the floor. But I think  
19          that's going to be a long time from now,  
20          Mr. President. Because what's disappointing  
21          to my constituents, and I think to all of our  
22          constituents -- and I certainly can speak, I  
23          think, for most of the people in this state  
24          right now -- is that we have failed them. We  
25          have failed them because we have failed to

1 follow the law.

2 The law was put in place to follow  
3 a procedure to get a budget done on time, the  
4 same type of laws that we pass here every day,  
5 that we expect the citizens of this state to  
6 obey. But when we pass a law that affects us,  
7 it's okay to ignore it. As if we're better  
8 than the people we represent. And that's  
9 wrong, Mr. President. That's very, very  
10 wrong. That's what's wrong with this chamber.  
11 That's why they talk about dysfunction.

12 There is a law on the books that  
13 basically said we should be, as Senator  
14 DeFrancisco said, in the process of conference  
15 committees. I attended, about a week and a  
16 half ago, a general conference committee, in  
17 my role as a leader in this house. And when I  
18 asked the schedule for the other committees, I  
19 heard nothing.

20 At that time, I said this committee  
21 is a bluff, it's a charade. It's just to  
22 count time, to make it look like April 1st is  
23 around the corner and we're going to do  
24 something for the people.

25 It's very disappointing. We have

1 not followed the law that we have passed and  
2 imposed upon ourself to try to get a timely  
3 budget done for the people of this state.

4 And when the other side, my  
5 colleagues on the other side of the aisle were  
6 sitting over here, they whacked us for it.  
7 And you were right when you did it. And now  
8 you deserved to get whacked by us. Because  
9 unfortunately, the law that you agreed to --  
10 that you passed with us -- as the majority in  
11 this house you're not following. And that's  
12 wrong.

13 What comes out in the budget and  
14 how we vote on the budget, that's a whole  
15 other story for another day. But we should be  
16 in conference committees, working together,  
17 debating, deliberating, agreeing, disagreeing  
18 on what's best for people in this state from  
19 Long Island to New York City to the Hudson  
20 Valley to Western New York to the Southern  
21 Tier to Central New York. And we're failing  
22 them. We're not doing it.

23 So, Mr. President, I will vote yes  
24 on this so that government continues for  
25 another week. I vote for it reluctantly and I

1       vote for it with great disappointment, because  
2       the process that this house established a  
3       couple of years ago is not being followed.

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

6                Senator Marcellino.

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

9                I wish to add my voice to my  
10       colleagues' concerns. The process is  
11       obviously broken. We're not conforming with a  
12       law, a law we all voted on and a law we all  
13       approved.

14               Those of you who were here in 2007  
15       voted, I am sure, for this particular reform  
16       package. It was what our colleagues on the  
17       other side of the aisle wanted, we went along,  
18       we agreed, we thought we had a process that  
19       would carry this state and get us an on-time  
20       budget in the light of day, open and as  
21       transparent as we can make it.

22               Was it a perfect process? Is it a  
23       perfect process? No. It was not, and it is  
24       not. However, it's the best we could come up  
25       with. And right now we're not even going with

1       that. We're totally ignoring it.

2               And I don't believe when we took  
3       our oaths and swore to uphold the law and the  
4       Constitution of the State of New York that  
5       this is what we meant: The first opportunity,  
6       when it was inconvenient, we simply ignore the  
7       law we all voted on.

8               We as the legislators can't do  
9       that. We've all gone back to our districts,  
10      we've all been talking to our constituents.  
11      And I guarantee you 100 percent of us -- I  
12      don't know what everybody else was doing, I  
13      know where I went -- but I'll guarantee it was  
14      typical of everybody else's comments when you  
15      talk to your constituents.

16              The first question is, "What the  
17      blank are you doing up there?" Fill in the  
18      expletive. It varied from whoever you were  
19      talking to. "What's going on with you people?  
20      Why can't you get a budget on time? If I did  
21      my house or if I ran my business the way you  
22      guys run the state, I'd be out of business or  
23      out of my house. You guys have got to get  
24      your act together."

25              That is the message that is coming



1 from our constituents, 100 percent, and I will  
2 guarantee that every one of us has had that  
3 statement made to them. They want an on-time  
4 budget. They want it done according to law,  
5 and they don't want excuses. They're sick of  
6 the finger-pointing, they're sick of the  
7 acrimony, they're sick of the partisanship.  
8 They want a budget done.

9 I want a budget done in a  
10 bipartisan way -- not just a word. I read an  
11 article written by one of our colleagues where  
12 he said in an editorial that this budget  
13 process was being done in a bipartisan way.  
14 And as I read the editorial on one of the  
15 blogs, I said what is he smoking, for heaven's  
16 sakes? I couldn't believe it.

17 As Senator DeFrancisco said, there  
18 have been no committee meetings. There's been  
19 no bipartisanship. There was one meeting. It  
20 lasted for what, a half hour? And then there  
21 was nothing after that.

22 The Governor of the State of  
23 New York says "They're not talking to me  
24 either." How do we do that? How do we not  
25 talk to the Governor of the state? Can you

1        imagine, if we didn't talk to George Pataki,  
2        if we didn't talk to Nelson Rockefeller, if we  
3        didn't talk to Hugh Carey, if we didn't talk  
4        to Mario Cuomo, what would have happened? My  
5        God, the world would have come to an end.

6                We need leadership in this state.  
7        We need leadership that's going to bring us  
8        back to law. And we need to be able to fund  
9        the jobs.

10               It's perfectly correct what Senator  
11        Libous pointed out. Government is shutting  
12        down. When you don't pay for the construction  
13        projects that are ongoing, that have been  
14        legally contracted for, when we don't pay for  
15        those people, those workers are laid off.  
16        They're out of work, and their families  
17        suffer.

18               The suppliers who supply the  
19        materials for those projects don't get paid.  
20        The restaurants in the area that feed them  
21        their lunches don't get paid. All the  
22        businesses that are related to those projects  
23        don't get paid. They start laying people off.  
24        It has a ripple effect that goes on throughout  
25        the state. It's not just that one project.

1       There's a whole bunch of them that are out  
2       there. And it goes on, as I said.

3               This cannot be allowed to continue.  
4       And we cannot run government on a week-to-week  
5       basis. We cannot have a government run on a  
6       week-to-week basis. Where's the continuity?  
7       Where's the respect? I'm getting sick and  
8       tired, ladies and gentlemen, of being laughed  
9       at, when you tell people you're from the State  
10      of New York, you're a legislator from the  
11      State of New York, and people laugh. That  
12      isn't very good. That isn't very good.

13             We need an on-time budget.  
14      Obviously we're not going to get one this  
15      year. So let's turn back and let's go back  
16      and do the process right. Let's do the  
17      process right. Let's do it together. Let's  
18      come up with a budget that works in the best  
19      interests of the people of this state.

20             I'm willing to do that. I'm sure  
21      all of us together are willing to do that.  
22      Let's get it done. Let's send a message to  
23      the leadership: Let's get it done folks, it's  
24      time, it's well past the time to get this  
25      process back on track and to get us a budget

1       so we can get back and do the work of our  
2       constituents.

3               Thank you. I will be voting no on  
4       this extender.

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

7               Senator Larkin.

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

10              Would the chairman of Finance  
11     yield?

12              ACTING PRESIDENT BRESLIN:  
13     Senator Kruger, would you yield to Senator  
14     Larkin for a question?

15              SENATOR CARL KRUGER:     My  
16     pleasure.

17              ACTING PRESIDENT BRESLIN:  
18     Senator Larkin.

19              SENATOR LARKIN:     Senator, the  
20     talk here today is all about, right now, about  
21     the construction workers in the projects and  
22     the public safety.

23              How many construction projects does  
24     this affect?

25              SENATOR CARL KRUGER:     I don't

1 know.

2 SENATOR LARKIN: How much money?

3 SENATOR CARL KRUGER: Thirty  
4 million, in total.

5 SENATOR LARKIN: And are you  
6 letting --

7 ACTING PRESIDENT BRESLIN:  
8 Senator Larkin, do you have an additional  
9 question?

10 SENATOR LARKIN: Would you yield  
11 again?

12 SENATOR CARL KRUGER: Yes, I do.

13 ACTING PRESIDENT BRESLIN: Yes.

14 SENATOR LARKIN: And are you  
15 aware of these mobilizations that may have  
16 taken place where they've put equipment on the  
17 ground that has to be paid for?

18 And now that the Governor has said  
19 no, all the contractors that I deal with say  
20 in the contract there's a remobilization. So  
21 we're going to pay twice for the mobilization  
22 and once for the demobilization. So we have  
23 three expenses that we weren't planning on.

24 Has anybody asked anybody in DOB or  
25 DOT, yourselves? Because we're not included

1       on this side of the aisle. You are the folks  
2       that are being blindsided.

3                ACTING PRESIDENT BRESLIN:  
4       Senator Kruger.

5                SENATOR CARL KRUGER:     I'll try to  
6       answer the question, since obviously it was --  
7       I don't know if it was a question.

8                But in any event, yes, there has --  
9       Senator Dilan has had extensive research done  
10      into exactly what the contracting piece is,  
11      what does it entail.

12               And quite frankly, the way the  
13      contracts are written and the way our  
14      appropriation bills are drafted, there is  
15      legal issues as to whether or not the  
16      contractors actually do have to stop the work  
17      and, if they do stop the work, exactly what  
18      liability rests with who.

19               ACTING PRESIDENT BRESLIN:  
20      Senator Larkin.

21               SENATOR LARKIN:       Then if that's  
22      the case --

23               ACTING PRESIDENT BRESLIN:  
24      Senator Larkin, do you wish Senator Kruger to  
25      yield for another question?

1                   SENATOR LARKIN:     I apologize,  
2     Mr. President.   Yes.

3                   ACTING PRESIDENT BRESLIN:  
4     Senator Kruger.

5                   SENATOR CARL KRUGER:     Yes.

6                   SENATOR LARKIN:     Senator Kruger,  
7     these funds for these projects were approved  
8     in what years, do you know?

9                   SENATOR CARL KRUGER:     Can you  
10    repeat the question, Senator?   I'm sorry.

11                  SENATOR LARKIN:     These projects  
12    that we're stopping, that the Governor is --  
13    which we're debating today, these are projects  
14    that some of them I'm told were approved back  
15    in 2006, 2007, and 2008, and this is money  
16    that's been reappropriated.   Is this correct?

17                  SENATOR CARL KRUGER:     Yes, that  
18    is.

19                  ACTING PRESIDENT BRESLIN:  
20    Senator Larkin.

21                  SENATOR LARKIN:     Would you yield  
22    again?

23                  ACTING PRESIDENT BRESLIN:     Do you  
24    yield for an additional question?

25                  SENATOR CARL KRUGER:     Yes, I do.

1                   ACTING PRESIDENT BRESLIN:     You  
2     may proceed, Senator Larkin.

3                   SENATOR LARKIN:     You said that  
4     Senator Dilan has discussed this with the  
5     contractors and that.   And I believe he has.  
6     I believe he's very honest and fair about it.

7                   But I want to tell you that I have  
8     contractors at home, Senator, who say we're  
9     nothing but a bunch of liars because we can't  
10    be trusted on what we're doing.

11                  On the bill, Mr. President.

12                  ACTING PRESIDENT BRESLIN:  
13     Senator Larkin, on the bill.

14                  SENATOR LARKIN:     My colleagues  
15     have clearly stated what's happened since '07  
16     when that side of the aisle was sitting here  
17     and they wanted to get into reform.

18                  Well, we passed reform.   Our people  
19     back home are saying, "And when are you going  
20     to enact it?   When are you going to enforce  
21     it?"

22                  If the average citizen failed to  
23     comply with the law of the State of New York,  
24     we'd lock them up.   Maybe all of us ought to  
25     be locked up for 10 days; maybe we could then



1 get a budget done.

2 We're the laughingstock of America.  
3 You talk to somebody else outside the State of  
4 New York, they'll say, "Gee, we thought  
5 California was bad, we thought New Jersey was  
6 bad, but you guys take the cake." Why do we  
7 take the cake? Because we can't be trusted.  
8 We can't be trusted because what are we doing?  
9 We're not doing what we were sent here to  
10 Albany to do, period.

11 ACTING PRESIDENT BRESLIN:  
12 Senator Parker -- excuse me, Senator Larkin.

13 Senator Parker, why do you rise?

14 SENATOR PARKER: Will Senator  
15 Larkin yield for a question?

16 ACTING PRESIDENT BRESLIN:  
17 Senator Larkin, will you yield to a question  
18 from Senator Parker?

19 SENATOR LARKIN: Yes. Yes.

20 ACTING PRESIDENT BRESLIN: You  
21 may proceed, Senator Parker.

22 SENATOR PARKER: Thank you.  
23 Senator Larkin, thank you very much.

24 Senator Larkin, how long have you  
25 served in this chamber?

1                   SENATOR LARKIN:     Thirty years.

2                   SENATOR PARKER:    Thirty years.

3                   SENATOR LARKIN:    No, 20 years in  
4 this chamber, 12 in the other one.

5                   SENATOR PARKER:    Twenty years in  
6 this chamber.

7                   SENATOR LARKIN:    Mm-hmm.

8                   SENATOR PARKER:    Will Senator  
9 Larkin yield for another question?

10                  ACTING PRESIDENT BRESLIN:  
11 Senator Larkin, will you yield for another  
12 question?

13                  SENATOR LARKIN:     Yes.

14                  ACTING PRESIDENT BRESLIN:    You  
15 may proceed, Senator Parker.

16                  SENATOR PARKER:     Over the  
17 20 years, Senator Larkin, how often has the  
18 budget of the State of New York been late?

19                  SENATOR LARKIN:     Until we passed  
20 reform, it was many times late. But it wasn't  
21 only because of this chamber, it was because  
22 of the other chamber also.

23                  Now, there were two splits, if you  
24 recall, Senator Parker. There was a  
25 Democratic-controlled Assembly and a

1 Republican-controlled Senate. And when you  
2 have them split like that, you have a split.

3 But you folks have the Governor's  
4 office, the Assembly, and the Senate. Last  
5 year you had a meeting in New York City and  
6 you consigned the budget. This year you don't  
7 know how to meet in New York City, so you're  
8 just trying to figure out how do we keep  
9 blaming the Republicans.

10 When you went to reform in '07, you  
11 promised to eliminate that nonsense. You  
12 haven't done it.

13 SENATOR PARKER: Mr. President,  
14 will Senator Larkin yield for another  
15 question?

16 SENATOR LARKIN: One more.

17 ACTING PRESIDENT BRESLIN:  
18 Senator Larkin will yield for one more  
19 question.

20 Senator Parker, you may proceed.

21 SENATOR PARKER: So during the  
22 20 years, Senator Larkin, that you've been  
23 serving in this body, approximately 15 or 16  
24 of those years the budget has been late. And  
25 you're now blaming other people other than

1       yourself, despite the fact that you were in  
2       the majority. Probably of the 20 years, you  
3       were probably in the majority for about  
4       15 years.

5               So you're saying to me it wasn't  
6       any time the Senate majority's fault all those  
7       21 years that you were late. You're  
8       concluding that it was the Assembly and the  
9       Governor's fault, and the Senate majority at  
10      that time had no complicity in the lateness of  
11      the budget, but now the Senate majority is the  
12      whole reason why the budget is late.

13              Is that what you're saying to me,  
14      Senator Larkin?

15              ACTING PRESIDENT BRESLIN:  
16      Senator Larkin.

17              SENATOR LARKIN:     No, what I'm  
18      saying to you, Senator Parker, is if you were  
19      here in '07, you voted for a bill that said we  
20      don't like what was going on and we want  
21      reform, and here's the reform we want. When  
22      the Governor gives us the budget, 10 days  
23      later we have to form committees and do it in  
24      public.

25              Now, the charade that went on here

1 a couple of weeks ago wasn't just a charade,  
2 it was a disgrace. You sat there with all the  
3 powers to be, but you didn't comply with the  
4 law.

5 ACTING PRESIDENT BRESLIN: Excuse  
6 me, Senator Larkin.

7 Senator Lanza, why do you rise?

8 SENATOR LANZA: Mr. President,  
9 would Senator Parker yield for a question?

10 ACTING PRESIDENT BRESLIN:  
11 Senator Larkin continues to have the floor.

12 SENATOR LANZA: We'll get back to  
13 that.

14 ACTING PRESIDENT BRESLIN:  
15 Senator Larkin, are you finished?

16 SENATOR LARKIN: Yes.

17 ACTING PRESIDENT BRESLIN:  
18 Senator Ranzenhofer, on the bill.

19 SENATOR RANZENHOFER: Thank you.

20 I think the discussion that we just  
21 had between some of the Senators shows the  
22 people of the State of New York why this place  
23 is just so messed up.

24 I guess the argument is that  
25 Democrats are now screwing up because somebody

1       else screwed up before that. Well, that just  
2       doesn't make a lot of sense to me and the  
3       people that I represent in Western New York.  
4       Because somebody else may have screwed up or  
5       may not have screwed up in the past, that  
6       gives this side of the aisle, the Democratic  
7       side, justification to now do a terrible job.

8               And quite frankly, I think I  
9       understand why you're conducting everything in  
10      secret. I mean, if I was responsible for  
11      introducing a budget which increased spending  
12      even above last year and I was responsible for  
13      adding new taxes even above the \$8.5 billion  
14      that you added last year and I was considering  
15      adding debt, well, I'd want to hide that from  
16      the public also. It's just incredible.

17              I don't condone what you're doing,  
18      certainly, but I understand the rationale why  
19      you want to keep this hidden from the public.

20              ACTING PRESIDENT BRESLIN:

21      Senator Kruger, why do you rise?

22              SENATOR RANZENHOFER:     Because  
23      this is bad news --

24              ACTING PRESIDENT BRESLIN:     Excuse  
25      me, Senator Ranzenhofer.

1                   SENATOR RANZENHOFER:     Sure.

2                   ACTING PRESIDENT BRESLIN:

3       Senator Kruger.

4                   SENATOR CARL KRUGER:     Mr.

5       President, I'll allow Senator Ranzenhofer to  
6       finish. Then I would like to speak.

7                   ACTING PRESIDENT BRESLIN:

8       Senator Ranzenhofer, you may continue. I  
9       apologize.

10                  SENATOR RANZENHOFER:     Thank you.

11                 I understand the Democrats'  
12       rationale for wanting to keep this terrible  
13       process a secret. And that is because it's a  
14       terrible, terrible process.

15                 I wasn't here in past years, and I  
16       haven't been here for different years that  
17       everybody is referring to. But the fact of  
18       the matter is that in the two years that I've  
19       been here, last year was a disaster, this year  
20       is worse. Because not only are you  
21       incorporating all of your disastrous mistakes  
22       from last year, but you're compounding it by  
23       adding to it this year.

24                 On this emergency appropriation  
25       bill, what you're doing here is creating a

1       disparity between the public sector and the  
2       private sector. You're doing one thing for  
3       the public sector, but for contractors who  
4       also have employees -- and in my district and  
5       the ones that I'm talking to, they're laying  
6       off 10, 20, 30, 40 employees at a crack. And  
7       you just don't care about that. You don't  
8       care that they're laying off these people and  
9       they're not able to get the construction  
10      projects done.

11               One of the things I do know is that  
12      the longer you wait on a construction project,  
13      the more it costs. So not only are all these  
14      people being laid off and the work is not  
15      being done -- which is a threat to the safety  
16      our motorists and our residents -- but you're  
17      increasing the costs, because delays cost  
18      money.

19               I can't support creating a  
20      disparity between a contractor who hires  
21      private people and somebody on the  
22      public-sector side. I think that you need to  
23      create them equally.

24               And for that reason, I'm not going  
25      to be supporting this emergency appropriation



1 bill. I think if we didn't pass that, it  
2 would force the parties to the table and get a  
3 budget done.

4 Thank you.

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

7 Senator Kruger.

8 SENATOR CARL KRUGER: Thank you,  
9 Mr. President.

10 For the purposes of clarification,  
11 I heard very carefully what Senator  
12 Ranzenhofer said. And he raised an  
13 interesting point. He said that delays cost  
14 money.

15 So for the purposes of  
16 clarification, because there's been some  
17 confusion as to some dates, let me just recite  
18 some dates.

19 1995: 68 days late, 10 extenders.  
20 1996: 104 days late, 14 extenders. 1997:  
21 126 days late, 10 extenders. 1998: 14 days  
22 late, four extenders. 1999: 126 days late,  
23 19 extenders. 2000: 39 days late, three  
24 extenders. 2001: 125 days late,  
25 12 extenders. 2002: 42 days late, eight

1 extenders. 2003: 42 days late, five  
2 extenders. 2004: 133 days late,  
3 12 extenders. 2005 through 2007, the budget  
4 was on time. 2008: Nine days late, two  
5 extenders.

6 For a total of 119 [sic] days late,  
7 nearly three full years, 97 extenders totaling  
8 \$73 billion.

9 Thank you, Mr. President.

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

12 Senator LaValle.

13 SENATOR LaVALLE: Thank you,  
14 Mr. President. Would Senator Kruger yield to  
15 a question, please?

16 ACTING PRESIDENT BRESLIN:  
17 Senator Kruger, will you yield for a question  
18 from Senator LaValle?

19 SENATOR CARL KRUGER: Yes, I do.

20 SENATOR LaVALLE: Senator Kruger,  
21 question, very simple. Are we in violation of  
22 the budget law that we passed?

23 SENATOR CARL KRUGER: I don't  
24 believe so.

25 SENATOR LaVALLE: Mr. President,

1 would Senator Kruger yield again?

2 ACTING PRESIDENT BRESLIN:

3 Senator Kruger, will you continue to yield to  
4 Senator LaValle?

5 SENATOR CARL KRUGER: Yes, I  
6 will.

7 ACTING PRESIDENT BRESLIN: You  
8 may proceed.

9 SENATOR LaVALLE: Does the law  
10 that we passed simply say that the budget  
11 conference committees shall begin 10 days  
12 after the Governor submits his budget?

13 ACTING PRESIDENT BRESLIN:  
14 Senator Kruger.

15 SENATOR CARL KRUGER: Thank you,  
16 Mr. President.

17 The budget committee process began  
18 with the mother ship, five-way. And the  
19 budget process continues in negotiation. And  
20 when there is negotiation to the point where  
21 the conference committees will play a full  
22 role in the process, then we will move on to  
23 the next phase of the budget process.

24 ACTING PRESIDENT BRESLIN:  
25 Senator LaValle.

1                   SENATOR LaVALLE:     Would you  
2     yield, Senator?

3                   ACTING PRESIDENT BRESLIN:     Would  
4     you continue to yield, Senator Kruger?

5                   SENATOR CARL KRUGER:     Yes,  
6     Mr. President.

7                   SENATOR LaVALLE:     Does the law,  
8     yes or no, say that it's 10 days after the  
9     Governor submits his budget? And what you  
10    just cited was far beyond 10 days.

11                  SENATOR CARL KRUGER:     Yes, it  
12    does.

13                  SENATOR LaVALLE:     Yes, it does  
14    what?

15                  SENATOR CARL KRUGER:     You asked a  
16    question. I answered it.

17                  (Laughter.)

18                  ACTING PRESIDENT BRESLIN:  
19    Senator LaValle.

20                  SENATOR LaVALLE:     Okay. On the  
21    bill.

22                  ACTING PRESIDENT BRESLIN:  
23    Senator LaValle, on the bill.

24                  SENATOR LaVALLE:     Mr. President,  
25    somehow we have forgotten some of the history

1 in this chamber.

2 The Republican majority had for 10  
3 or more years put budget reform as an issue  
4 and passed -- with the consent, in most cases,  
5 of the members of the Democrat minority --  
6 budget reform legislation. It was rejected  
7 each and every time by the Democrat Assembly.  
8 It took Governor Eliot Spitzer to strong-arm  
9 the Assembly in passing that legislation.

10 That legislation set up a process.  
11 And what each of the members have been saying  
12 here today is that we are in violation of that  
13 law that clearly prescribes when conference  
14 committees are to meet. And we are in  
15 violation of that.

16 Senator Libous put it right on when  
17 he said we cannot have two standards. We  
18 expect our constituents to live by the laws  
19 that we pass. We cannot pass laws and then we  
20 he just turn our backs on that.

21 And that's what this discussion is  
22 all about. It's not about history; it's about  
23 today and what is wrong with this process. To  
24 say that magically and mystically we are part  
25 of this process is wrong. We are not part of

1       this process. There is no input, no vehicle  
2       for input.

3               That's why the conference  
4       committees were scheduled, to have open and  
5       transparent dialogue on the budget, so that  
6       the public and the good government groups and  
7       the stakeholders can see with preciseness what  
8       is being laid out by the majority and the  
9       minority and be able to reconcile whatever  
10      differences, not only intra-house but between  
11      the houses. And no one has any idea where the  
12      Assembly is, where the Senate is on each of  
13      the issues that we are concerned about.

14              So I'm going to support the  
15      resolution because we need to continue  
16      government. We need to make sure that  
17      government continues. In spite of the fact  
18      that we owe a commitment to the contractors,  
19      we owe to our constituents who have jobs that  
20      may be in limbo for a while at a time of high  
21      unemployment. But given the larger picture, I  
22      think we need to continue government.

23              But I think we have to honestly and  
24      openly say we are in violation of the law that  
25      we passed and the Governor signed. Budget

1 conference committees should have been a long  
2 time ago. Ten days after the Governor issued  
3 a budget, we should have been in public  
4 dialogue.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BRESLIN: Thank  
7 you, Senator LaValle.

8 Senator Parker.

9 SENATOR PARKER: Mr. President,  
10 on the bill.

11 ACTING PRESIDENT BRESLIN: On the  
12 bill.

13 SENATOR PARKER: It's  
14 interesting, once again we have revisionist  
15 history in this chamber. They ought to call  
16 this chamber the chamber of revisionist  
17 history.

18 So I think it's time to set the  
19 record straight. There's been much to-do this  
20 afternoon about late budgets and about  
21 extenders. And I want to thank the chairman  
22 of the Finance Committee, Carl Kruger, for his  
23 excellent recalling of the history of this  
24 chamber and how many extenders we've done, how  
25 long it's taken. What we haven't done is

1       talked about how much you've cost the New York  
2       taxpayer.

3               But what Senator Kruger, our  
4       chairman, has also took you off the hook for  
5       was the fact that at that time, the Senate  
6       majority were in fact the Republicans. And  
7       the fact that most of the people who are  
8       actually doing the criticizing were in fact  
9       the people in charge of the process at the  
10      time.

11             So let's get the record straight.  
12      In December 2008 the Governor passed his  
13      budget, and within 10 days the Senate  
14      majority, which were the Republicans, did not  
15      have conference committees within that time.  
16      You were in violation of the law.

17             And I heard nobody coming forth,  
18      you know, you know, giving themselves up to  
19      the police or, you know, marching themselves  
20      into a courtroom or paddling themselves  
21      because they were in violation of the law. So  
22      it's somewhat hypocritical of my colleagues to  
23      stand here today, you know, and talk about  
24      being in violation of the law.

25             Let's get the record straight. We



1       are in the worst economy that this country has  
2       seen in 75 years, and it was the Republicans  
3       who put us there.

4               Let's get the record straight about  
5       a war that, you know, has bankrupted the  
6       states. Let's understand that when the Iraq  
7       war started -- that, you know, your president  
8       supported, put \$89 billion the first year into  
9       Iraq, and that same year there was over  
10      \$76 billion that the states were in debt. And  
11      no one got a bailout. No states got a  
12      bailout.

13             So every year since then, that war  
14      has cost us more and more and more. And  
15      we're still not out of it. And so here we  
16      are, here we are, reaping what the Republicans  
17      sowed for many years.

18             Let's get the record straight about  
19      the Bush tax cuts and about how that affected  
20      states and cities around the country because  
21      many of our states and cities couple our  
22      definition of income in the states and  
23      municipalities to the federal definition that  
24      created triple cuts around the states and how  
25      we in fact emptied our coffers because we let

1 rich people off the hook for paying taxes.

2 And when we took things like fuel  
3 for airplanes and took taxes, you know, off  
4 of, you know, these small jet planes. And I  
5 know some of you guys, you know, ride your  
6 jets to Albany, and I'm sorry that you don't  
7 want to pay taxes on them, Senator Libous, but  
8 it's okay.

9 But, I mean, it's these kind of  
10 policies that were voted for by the Senate  
11 majority that has led us, in part, to the  
12 problems that we're in.

13 And let's also get the record  
14 straight about something very important. In  
15 this chamber today, we frankly agree on more  
16 than we disagree on. We actually agree with  
17 my -- I very much agree with my colleagues who  
18 are saying that there ought to be some money  
19 in this for construction projects. Those  
20 construction projects are happening from  
21 Brooklyn to Brookhaven to Buffalo to Bath,  
22 New York, Senator Winner.

23 And so for all of us, we want these  
24 projects to happen and we want people to be  
25 employed. We in fact, under the leadership of

1       Senator Martin Dilan, our Transportation  
2       chairman, have reached out to the Governor's  
3       office and hoped that he would in fact this  
4       time in the extender do that. He failed to do  
5       that.

6               We think that it is a bad policy to  
7       throw the baby out with the bathwater. We  
8       can't let the perfect be the enemy of the good  
9       in this particular case and stop government  
10      from going forward tomorrow by doing a simple  
11      extender.

12             However, we certainly agree -- and  
13      that has been, you know, in both our words and  
14      deeds --

15             ACTING PRESIDENT BRESLIN:     Excuse  
16      me -- excuse me, Senator Parker --

17             SENATOR PARKER:     -- that we ought  
18      to in fact go forward and make sure that  
19      construction projects around the state are  
20      funded.

21             Mr. President.

22             ACTING PRESIDENT BRESLIN:     Excuse  
23      me for a minute, Senator Parker.

24             Senator Lanza, why do you rise?

25             SENATOR LANZA:     Mr. President,

1       would Senator Parker yield for some questions?

2               ACTING PRESIDENT BRESLIN:

3       Senator Parker, would you yield for a question  
4       from Senator Lanza?

5               SENATOR PARKER:     Right after I  
6       finish my rather lengthy soliloquy, I will  
7       actually yield.

8               (Laughter.)

9               SENATOR PARKER:     I also wanted to  
10      get the record straight just around the  
11      process.

12              I haven't been here quite as long  
13      as everyone. This is only my eighth year  
14      here. And I know many of my colleagues been  
15      here for 15 and 20 and, some, 25 and even  
16      more. But for 43 years, the Republicans  
17      controlled this chamber in the Senate  
18      majority. And the idea of three men in a room  
19      negotiating not just a budget, but almost  
20      every single legislative action, was the norm  
21      around here for all of that time.

22              And not once did anybody, you know,  
23      come forward and actually change that policy  
24      until the Democrats took over. And so, yes,  
25      we are the party of reform.

1           Let's get the record straight about  
2       us being the party of reform. We're the party  
3       of reform because we in fact in this chamber  
4       have made lots of services available both to  
5       the majority and the minority that frankly  
6       didn't exist before. And so we reformed that.

7           We made base-level salary  
8       allocations for members regardless of what  
9       party they were in. There's been lots of  
10      things that have become done in the way of  
11      parity that never were done before, including  
12      the budget process.

13          And so we look at this budget  
14      process, and it's not a perfect one. And we  
15      like to be on time. But understand that part  
16      of the reason why we're not on time is that we  
17      are trying to clean up the mess that was left  
18      by our predecessors. That we in fact are  
19      trying to get the record straight around  
20      making sure that people back to work.

21          We're trying to make sure that, you  
22      know, the high taxes that you allow, and  
23      people -- for property taxes in Long Island  
24      and the suburbs and upstate, we're trying to  
25      in fact figure out how we give people property

1 tax relief after years of, you know,  
2 Republican malpractice around school equity.  
3 And making sure that there was enough funds to  
4 make sure the schools ran and at the same time  
5 that people didn't get sucked dry by their  
6 property taxes.

7 You know, as much as people  
8 complain about property taxes in this chamber,  
9 you were never able to get anything done about  
10 it. We are now cleaning up your mess. And so  
11 you may not want to say thank you. But, you  
12 know, vote for the bill and be part of the  
13 solution, but certainly don't be part of the  
14 problem.

15 Thank you, Mr. President. I yield  
16 for a question if somebody has one.

17 ACTING PRESIDENT BRESLIN: Thank  
18 you, Senator Parker.

19 Senator Lanza, Senator Parker will  
20 yield for a question.

21 SENATOR LANZA: Thank you,  
22 Mr. President. Through you.

23 Senator Parker, do you believe that  
24 the people of the State of New York deserve to  
25 have an on-time budget?

1                   SENATOR PARKER:     Mr. President,  
2                   through you, we absolutely believe that the  
3                   people of the State of New York deserve and  
4                   need an on-time budget.

5                   ACTING PRESIDENT BRESLIN:  
6                   Senator Lanza.

7                   SENATOR LANZA:     Would Senator  
8                   Parker continue to yield?

9                   ACTING PRESIDENT BRESLIN:  
10                  Senator Parker, do you continue to yield?

11                  SENATOR PARKER:     I will continue  
12                  to yield.

13                  ACTING PRESIDENT BRESLIN:  
14                  Senator Lanza.

15                  SENATOR LANZA:     Mr. President,  
16                  through you.  Senator Parker, do you believe  
17                  that in order to achieve that goal, do you  
18                  believe the people of the State of New York  
19                  deserve to have a bipartisan approach to  
20                  having a budget on time here in New York?

21                  ACTING PRESIDENT BRESLIN:  
22                  Senator Parker.

23                  SENATOR PARKER:     Yes.  Senator  
24                  Lanza, as I said before, we agree on more than  
25                  we disagree upon.  And we certainly agree that

1       there ought to be some bipartisan exchanges  
2       around the budget. And in fact, some of that  
3       has actually begun when chairs of committees  
4       actually reached out to their ranking members  
5       and asked for their ideas and their input  
6       around the budget.

7               However, what we have not received  
8       from the minority leadership is your plan for  
9       the budget. And so in that bipartisan  
10      exchange, it would be helpful to see what the  
11      minority plan is.

12             ACTING PRESIDENT BRESLIN:  
13      Senator Lanza.

14             SENATOR LANZA:       Would Senator  
15      Parker continue to yield?

16             ACTING PRESIDENT BRESLIN:       Do you  
17      continue to yield, Senator Parker?

18             SENATOR PARKER:       Yes,  
19      Mr. President, through you.

20             ACTING PRESIDENT BRESLIN:  
21      Senator Lanza.

22             SENATOR LANZA:       Through you,  
23      Mr. President. Senator Parker, do you believe  
24      the people of the State of New York deserve to  
25      have this chamber follow -- or the majority,



1 really, that's where the responsibility is --  
2 to follow the reform laws of 2007 to actually  
3 have conference committees?

4 SENATOR PARKER: Mr. President,  
5 through you.

6 ACTING PRESIDENT BRESLIN:  
7 Senator Parker.

8 SENATOR PARKER: I believe that  
9 yes, they deserve it. And they deserve it no  
10 less than they deserved it in 2008 when the  
11 Republican majority at that time did not  
12 follow the law and didn't have conference  
13 committees within 10 days.

14 And I think they deserved it  
15 actually prior to 2008, when for 43 years  
16 there were no conference committees, where  
17 three men sat in a room and made decisions,  
18 and where for a significant part of that time  
19 two of the three men were Republicans and two  
20 of them were not from New York City. And so,  
21 you know, you can make arguments that New York  
22 City at that time was, you know,  
23 underrepresented. But that's not really even  
24 the argument.

25 The reality is since we've gotten

1       here, as the Democrats in the majority, that  
2       we know that they need to be better and we  
3       have actually done better.

4                ACTING PRESIDENT BRESLIN:  
5       Senator Lanza.

6                SENATOR LANZA:       Would Senator  
7       Parker continue to yield?

8                ACTING PRESIDENT BRESLIN:       Do you  
9       continue to yield, Senator Parker?

10               SENATOR PARKER:       Through you,  
11       Mr. President, yes.

12               ACTING PRESIDENT BRESLIN:  
13       Senator Lanza.

14               SENATOR LANZA:       Through you,  
15       Mr. President. I'm glad, Senator Parker, you  
16       brought up the 43 years again.

17               You know, this past weekend I was  
18       traveling throughout my district attending  
19       various events. And many of my constituents  
20       wanted to know what's happening up here in  
21       Albany, what's happening with the budget.

22               And I told them I couldn't really  
23       tell them because it was the responsibility of  
24       the Senate Democrats to bring the budget to  
25       the floor, and that they haven't done that.

1 And they haven't really talked a lot about  
2 when that was going to happen.

3 And so I really have not been in a  
4 position to tell them why it's late. But in  
5 listening to you and Senator Kruger, I  
6 think -- and I just want to make sure that I'm  
7 clear -- I think I now have the answer.

8 Are you saying, Senator Parker,  
9 that the reason why we don't have an on-time  
10 budget this year is because of George Bush?

11 ACTING PRESIDENT BRESLIN:  
12 Senator Parker.

13 SENATOR PARKER: Senator Lanza --  
14 through you, Mr. President -- what I am saying  
15 is two -- is actually three things.

16 One of which is that you're frankly  
17 actually incorrect that you don't know,  
18 because actually the Senate majority passed a  
19 Senate resolution that laid out our plan. So  
20 if you want to talk about plans, we actually  
21 have a plan, we put it forward and actually  
22 passed it in this chamber. What we have  
23 failed to see is the Republican minority plan  
24 on the budget and where you would go.

25 I'm saying two other things. One,

1       that we're cleaning up the Republican minority  
2       mess that has gone on for 43 years of  
3       trampling us through a path of destruction in  
4       terms of our economy.

5               The third thing that I'm saying is  
6       that yes, we wish we all could have had an  
7       on-time budget. But given, you know, some of  
8       the greatest deficits that we've ever seen  
9       and, frankly, bad timing of the holidays, that  
10      it was unfortunately not able to get done.

11             But certainly we continue to be  
12      committed to working with our colleagues  
13      across the aisle to make sure that things are  
14      passed.

15             Like I said before -- and this is  
16      my last point -- I believe that we agree on  
17      more than we disagree on. And particularly  
18      right now, the only thing we disagree on, for  
19      the most part, is whether we should shut down  
20      government tomorrow in order to make the point  
21      that contractors should continue to get paid.

22             SENATOR LANZA:       Would Senator  
23      Parker continue to yield?

24             ACTING PRESIDENT BRESLIN:     Do you  
25      continue to yield, Senator Parker?

1                   SENATOR PARKER:     Yes.   Through  
2     you, Mr. President.

3                   ACTING PRESIDENT BRESLIN:     You  
4     may proceed, Senator Lanza.

5                   SENATOR LANZA:     I'm not sure, but  
6     I think you said yes, we have a late budget  
7     because of George Bush.

8                   In listening to you and Senator  
9     Kruger talking about past late budgets, am I  
10    to tell the people back home that the reason  
11    why we have a late budget this year is because  
12    there was a late budget five years ago or  
13    43 years ago? Is that the reason we do not  
14    have an on-time budget this year?

15                   I'm tired of hearing that. And the  
16    people back home are tired of hearing that.  
17    But is that what you continue to say?

18                   SENATOR PARKER:     No, I'm --  
19    excuse me. Through you, Mr. President.

20                   ACTING PRESIDENT BRESLIN:     Thank  
21    you.

22                   SENATOR PARKER:     What I'm saying  
23    is I'm not blaming George Bush, I'm blaming  
24    the Republican Party, including the Republican  
25    Party of the State of New York, which was in

1 fact in the majority for much of the years  
2 that in fact created the fiscal mess that  
3 we're trying to clean up now.

4 We have a \$13 billion structural  
5 deficit. And so part of the conversation  
6 we're trying to figure out, when you have the  
7 General Accounting Office saying that we look  
8 like that we're going to be in deficit between  
9 now and 2060, we can no longer wait to start  
10 addressing some of the structural problems  
11 that were created when the Republicans  
12 controlled this state.

13 And so what we're saying now is the  
14 reason why we're late is because we're trying  
15 not to repeat the old mistakes of just simply  
16 doing, you know, random things, bonding our  
17 future away, and trying to figure out options  
18 that give us the kind of balanced budget we  
19 need not just for this year but for the next  
20 coming years, as we have looming budget  
21 deficits in years to come.

22 ACTING PRESIDENT BRESLIN:

23 Senator Lanza.

24 SENATOR LANZA: Would Senator  
25 Parker continue to yield?

1                   ACTING PRESIDENT BRESLIN:     Do you  
2     continue to yield, Senator Parker?

3                   SENATOR PARKER:       Yes.

4                   ACTING PRESIDENT BRESLIN:     You  
5     may proceed, Senator Lanza.

6                   SENATOR LANZA:       Thank you,  
7     Senator Parker. Through you, Mr. President.

8                   Again, I'm not sure, but I think  
9     you said yes, the reason why we have a late  
10    budget this year is because there was a late  
11    budget five years ago and 43 years ago.

12                   Senator Parker, are you saying  
13    that -- and we all acknowledge that we have a  
14    problem here in the State of New York. The  
15    people are waiting and deserve an answer. Are  
16    you saying that the problem is so large that  
17    you, in your party across the aisle, are  
18    unable to solve it in a way that's consistent  
19    with the law, which is to have a budget by  
20    April 1st and to have conference committees in  
21    order to get toward that goal? Is that what  
22    you're saying, you can't do it?

23                   ACTING PRESIDENT BRESLIN:  
24     Senator Parker.

25                   SENATOR PARKER:       Through you,

1       Mr. President.   Senator Lanza, I'm saying that  
2       we absolutely can do it.   I'm saying that we  
3       had some bad timing with the holidays coming  
4       up right in the middle of our deadline.

5               In addition, we have some  
6       significant structural problems that we  
7       inherited from the former majority, which you  
8       were a part of and your colleagues were a part  
9       of.   And that we in fact are going through the  
10       process of doing that.

11               But it was actually easier if we  
12       simply ignored the problems the way the Senate  
13       Republicans did for many years and just, you  
14       know, did bad borrowing, bad debt, random  
15       cutting of taxes.   If we did those things, we  
16       could actually balance the budget today.

17               But the reality is that we actually  
18       know that we need to do better for the State  
19       of New York, and so we're going forward with  
20       the well-thought-out plan that makes sure that  
21       we're getting rid of both our structural  
22       deficit and at the same time keeping to the  
23       core mission of government to make sure that  
24       we provide for the least of those in every  
25       single area that we in fact govern over.



1                   SENATOR LANZA:     Thank you,  
2     Senator Parker.

3                   Mr. President, on the bill.

4                   ACTING PRESIDENT BRESLIN:  
5     Senator Lanza, on the bill.

6                   SENATOR LANZA:     You know --

7                   ACTING PRESIDENT BRESLIN:     Excuse  
8     me. I apologize, Senator Lanza. Senator  
9     Parker continues to have the floor. So if you  
10    could wait for --

11                  SENATOR LANZA:     Thank you,  
12    Mr. President. Of course.

13                  SENATOR PARKER:     I'm done.

14                  ACTING PRESIDENT BRESLIN:  
15    Senator Lanza.

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

18                  You know, it's not enough to talk  
19    about wanting to work together. It's not  
20    enough to talk about wanting to get the job  
21    done for the people. And it's really not  
22    enough to talk about all the excuses why you  
23    can't.

24                  And, you know, I try not to be  
25    partisan. You in this house know that. But

1       to sit here and to listen to member after  
2       member across the aisle talk about the reason  
3       for not having an on-time budget is because  
4       there wasn't one in the past really is about  
5       as lame as it gets. I mean, I've got a  
6       5-year-old back home who comes up with better  
7       excuses than that.

8               I think we really do need to get  
9       beyond that. I think we really do need to  
10      start talking to each other and working  
11      together. Because I think the problems are  
12      very large, and there are some real reasons  
13      why the solutions are not easily obtained.

14             But it's not happening. And that's  
15      a fact. And quite frankly, as much as I don't  
16      want to say this, the responsibility lies with  
17      you. Because you are driving the process, or  
18      should be driving the process.

19             You know, you talk about wanting to  
20      work in a bipartisan fashion. Senator  
21      Parker -- and it's not fair for me to --  
22      because, you know, I have the floor now. But  
23      I'll say this. Senator Parker, I think we  
24      have a good relationship. You haven't reached  
25      out to me once, not a single time, to say

1 "Senator Lanza, you're one vote out of 62.  
2 What would it take for you to vote for a  
3 budget to join us and vote yes on a budget?"

4 I can go through each and every  
5 chair across the aisle and say the same thing.  
6 Many of you I consider, after only being here  
7 three years, good friends. And not one of  
8 you, not one of you, leadership or not, has  
9 said, "Senator Lanza" -- I can't look at  
10 Senator Savino -- "Senator Lanza, what would  
11 you like to see in this budget? What would --  
12 more importantly, what would the people back  
13 home in Staten Island, what do they care  
14 about? What are their priorities? We might  
15 disagree with you simply because you're  
16 Republican, but we know there are hundreds of  
17 thousands back home in Staten Island. They  
18 matter to us. What do they need? What do  
19 they want?"

20 Not one of you, not one of you has  
21 even asked. So I have to tell you, at best,  
22 at best, it's disingenuous to say that you  
23 want to work in a bipartisan fashion.

24 We had a golden opportunity today  
25 on this extender. This conference put forward

1       an amendment to make sure that contractors are  
2       paid so that they can continue to do the  
3       important work, the public safety work, across  
4       the state. As I've listened, I've heard  
5       Senator Parker say he thinks it's a good idea.  
6       Senator Dilan, who I know has been working  
7       very hard to make sure that that would  
8       happen -- and I know there are many more of  
9       you who believe that we should have that here.

10               This was our opportunity. Senator  
11       Parker, you're right. There are things we  
12       agree on. And that's one of them. We could  
13       have done it. We could have come together  
14       before today to say, Let's put it there, let's  
15       call the Governor and let him know we are  
16       going to stand united -- not as a Democratic  
17       member of the Senate, or Republican, but as  
18       the New York State Senate, we stand united and  
19       we want it in there.

20               Guess what? It would have been in  
21       there. We would have voted on it. The  
22       Assembly would have. And we'd have a better  
23       extender today.

24               But we didn't. And why? I can't  
25       answer the question. Only you can. And

1       that's why I can't tell the people back home  
2       in Staten Island why we have a late budget.  
3       And I can't then why we have a better  
4       extender. You have to answer that question.

5               Thanks, Mr. President.

6               ACTING PRESIDENT BRESLIN:     Thank  
7       you, Senator Lanza.

8               Senator Onorato, why do you rise?

9               SENATOR ONORATO:     Mr. President,  
10       just for a point of clarification.

11               Senator Lanza, are you aware that  
12       many of us on this side of the aisle did reach  
13       across, asking for your input --

14               SENATOR LIBOUS:     Hold on. Hold  
15       on --

16               ACTING PRESIDENT BRESLIN:     Excuse  
17       me. Do you want to ask --

18               SENATOR LIBOUS:     Mr. President,  
19       point of order. Is the Senator asking for a  
20       point of clarification, or is he asking a  
21       question of Senator Lanza?

22               ACTING PRESIDENT BRESLIN:     I was  
23       just about to ask the same question, Senator  
24       Libous.

25               SENATOR LIBOUS:     Thank you.

1 Thank you, Mr. President.

2 SENATOR ONORATO: You can  
3 incorporate it whichever way you want. I want  
4 to get a clarification.

5 ACTING PRESIDENT BRESLIN: Well,  
6 why don't we ask Senator --

7 SENATOR ONORATO: You made a  
8 statement -- the Senator made a statement that  
9 none of us reached across to speak to him or  
10 anybody else regarding this budget process or  
11 anything else. And I want him to know that we  
12 did.

13 And I can say I spoke to Senator  
14 Robach and asked him if there's anything that  
15 I can do to help him out with our committees.

16 ACTING PRESIDENT BRESLIN:  
17 Senator Onorato --

18 SENATOR ONORATO: I just want to  
19 make that point, that we did try a bipartisan  
20 approach.

21 ACTING PRESIDENT BRESLIN: Point  
22 made. Thank you, Senator Onorato.

23 Senator Padavan.

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

1                   Well, this has been an interesting  
2                   evening in a lot of different ways. I'd just  
3                   like to clarify a couple of things that I  
4                   heard said. And I wrote them down here so I  
5                   wouldn't forget them.

6                   One of the members mentioned that  
7                   in 2007, when we adopted, as Senator LaValle  
8                   explained in great detail and with accuracy, a  
9                   reform that was put in effect in 2008, that we  
10                  did not follow that.

11                  As a matter of fact, we did. That  
12                  law said a resolution must be adopted within  
13                  10 days establishing conference committees and  
14                  a schedule of meeting of those conference  
15                  committees. And that did occur exactly as the  
16                  law outlined it.

17                  And also, as Senator LaValle  
18                  pointed out, a procedure that we've been  
19                  trying for years to get through both houses  
20                  and were unsuccessful in doing up until that  
21                  point in time. So that's an error that I  
22                  think should be corrected.

23                  One of the points made is that we  
24                  have a structural deficit of \$13 billion. I  
25                  think that was the figure that Senator Parker

1        mentioned. Which is interesting, because last  
2        year we increased the budget by \$13 billion.  
3        So one could very well say that we created the  
4        problem we're now dealing with. When I say  
5        "we," I mean you, because I didn't vote for  
6        it. Nor did anyone else on this side of the  
7        aisle vote for it.

8                    Now, there was a new term used here  
9        today that I'd never heard in discussing the  
10       budgetary process, and the term was "critical  
11       mass." And I reached back in time to my  
12       college physics to try and recall what the  
13       definition of critical mass is. And what it  
14       is is when a number of electrons, at the  
15       proper speed and velocity, along with a number  
16       of neutrons, also at a proper number and  
17       velocity, impound the neutron at the center of  
18       the atom.

19                   Now, what you have at that point in  
20       time, gentleman and ladies, is an explosion.  
21       Now, what the chairman of Finance is saying is  
22       that we have to wait for an explosion to occur  
23       before we can begin the process. Now, I  
24       suggest to you that that's not the smart way  
25       to go.



1           But if you look at what we now are  
2           dealing with -- aside from what has been said  
3           here by Senator Lanza and others: One-party  
4           rule, which has not produced the results that  
5           they claimed it would.

6           The possibility of liabilities  
7           being incurred by the state in terms of  
8           contracts not being fulfilled. Whatever those  
9           liabilities may end up being in dollars and  
10          cents, no one knows, but they certainly are  
11          out there.

12          The loss of jobs. It's been talked  
13          about here at length; I don't need that  
14          repeated.

15          The endangerment of the general  
16          public. We have one Senator whose bridge fell  
17          down. The embankments had to be demolished.  
18          I mean, there are bridges and roads all over  
19          the state which are in the middle of repair or  
20          in need of repair that are being laid aside.

21          Contracts entered into with unions  
22          have been abrogated, delayed in terms of their  
23          effective date.

24          And worst of all, lawmakers are  
25          becoming, at least in this house -- and in

1       both houses, I imagine -- lawbreakers, by  
2       virtue of what has been said here repetitively  
3       in terms of the process that we were supposed  
4       to be following.

5               So I would suggest to you, Senator  
6       Kruger, we've long gone past critical mass.  
7       We're there. And we'd better move very  
8       quickly in terms of the things we should be  
9       doing and must be doing.

10              Extenders, if there is a process in  
11       place, can be appropriate. We don't want  
12       government to come to a halt. But there is no  
13       process that we're involved in at this point  
14       in time. And that's what I believe is the  
15       greatest failure that we have been expressing  
16       here, all of the members who have spoken  
17       today, to point.

18              I will vote for this extender  
19       because, on balance, you have to. But at the  
20       same time, I do it with great reluctance. And  
21       I suggest to you that while I don't envy you  
22       the position you find yourself in, having to  
23       defend what's going on here -- not entirely  
24       the fault of this house; the Assembly shares a  
25       big part of the blame.

1                   Not the fault of the Governor,  
2           who's being ignored, another part of that  
3           nuclear problem we're involved in. He calls  
4           for a meeting, and people won't come. I mean,  
5           in my 38 years here, through five different  
6           governors, I've never seen that happen, where  
7           a governor calls for a meeting of the  
8           legislators to meet with him to talk about the  
9           Executive Budget, and they say "We're not  
10          coming."

11                   When I say "we," some of them said  
12          they're not coming. I know Senator Skelos  
13          would be happy to be there. The Speaker says  
14          no. I'm not sure about what's said on this  
15          side of the aisle.

16                   But that's horrible. And when the  
17          people pick up their newspaper and they read  
18          that, they just -- you know, it's impossible  
19          for them to understand. How could the  
20          Legislature refuse to meet with the Governor  
21          to talk about the Governor's Executive Budget?

22                   So critical mass is here, Senator  
23          Kruger. And we'd better get about our  
24          business, or else we're really in deep  
25          trouble.

1                   ACTING PRESIDENT BRESLIN:     Thank  
2     you, Senator Padavan.

3                   Senator Saland.

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

6                   Mr. President, I would like to draw  
7     a distinction, if I might, between revisionist  
8     history and delusional fantasy.

9                   ACTING PRESIDENT BRESLIN:  
10    Senator Saland, on the bill.

11                  SENATOR SALAND:     Thank you.

12                  Mr. President, if we look at the  
13    events that we have discussed here ad nauseam,  
14    I don't believe that there's anything to be  
15    gained by shutting down government. And I am  
16    certainly prepared, with some reluctance, to  
17    support this extender. Although I must tell  
18    you, I'm not quite sure I want to give a blank  
19    check to each and every extender that may be  
20    forthcoming, depending upon the duration of  
21    this morass.

22                  But allow me to say that it's the  
23    private sector that desperately needs to be  
24    incentivized. And we here have drawn a  
25    distinction, by failing to adopt the amendment

1       that we had proposed earlier -- which would  
2       have, for one vital component of the private  
3       sector, provided funding that would hopefully  
4       help not only secure jobs but help, perhaps,  
5       to generate some jobs as well.

6               When we look at the 2007 reform  
7       act, that, as I can recollect, was adopted  
8       unanimously. It was much heralded. And I  
9       just happen to have the schedule that we  
10      adhered to at that time, laid out very  
11      carefully. It calls for committee reports,  
12      joint public review, consensus announcements  
13      on revenue estimates, each has to take up its  
14      bill, joint budget conference committees.

15             And each of these are carefully  
16      laid out by dates in February and March,  
17      taking us right up to March 28th through  
18      March 31st, when the joint budget bills would  
19      be taken up by the Senate and Assembly after  
20      having been through the conference committee.

21             That's the schedule. That's what  
22      we patted ourselves on the back for, in  
23      bipartisan fashion, both sides of the aisle.  
24      And many of the same members who are in the  
25      chamber today took part in that decision.

1                   If we turn the clock back to 2008,  
2           in 2008 the Governor did not, I don't believe,  
3           submit his budget fully in September. It was  
4           not, I don't believe, a fully submitted  
5           budget. And even if it was -- and again, I  
6           don't believe it was -- how realistic would it  
7           have been to expect that the decisions made by  
8           the then-Republican majority in terms of  
9           committee assignments, committee leadership,  
10          would have been adhered to by the new Democrat  
11          majority?

12                   So practically speaking, the  
13          reality is is that even had we had the  
14          opportunity to do so under our budget reform,  
15          which I do not believe we had, it certainly  
16          would not have been adhered to.

17                   It's not this side of the aisle  
18          that created or compounded the mess. In the  
19          middle of the Great Recession, when virtually  
20          any and every economist would tell you you  
21          don't increase taxes and spending -- certainly  
22          a state which can't produce money down in the  
23          bowels of whatever building they produce money  
24          and dollars and currency in Washington -- you  
25          don't increase spending, you don't increase

1       taxes.

2                   We endured, over our objection,  
3       \$8.5 billion of tax increases and \$12 billion  
4       worth of spending. And this year's budget  
5       proposal is offering us more of the same, at  
6       least in the resolution we saw.

7                   Now, there was some reference to  
8       the infamous three men in a room. I'm not  
9       sure if we have two men in a room now or if we  
10      have three Democrat leaders in silos. I have  
11      absolutely no idea who's talking to whom and  
12      whether in fact there's one iota of progress  
13      being made anywhere within the confines of  
14      this city. If there is, not one scintilla of  
15      it is being shared with this side of the  
16      aisle.

17                   So to somehow or other claim that  
18      there's something bipartisan going on here  
19      strains credibility to the point of being  
20      absolutely fairy-tale-like.

21                   The bottom line is you can't tax  
22      and spend your way out of this economy, of  
23      this fiscal morass. You have to incentivize  
24      jobs. And yes -- yes, yes, yes, yes, yes,  
25      there must be real property tax reform.

1                   Where have we gotten? Where's the  
2                   schedule? We've been here now -- this is the  
3                   12th of April? We've been here now in our  
4                   fourth month. We have done absolutely nothing  
5                   that comports with the budget reform that we  
6                   had previously passed.

7                   There was a grandiose announcement  
8                   that the Majority set forth with regard to an  
9                   additional budget reform which I can recall  
10                  seeing some of the editorial comment about.  
11                  It was probably mostly along the lines of what  
12                  had been written about in the Daily News,  
13                  which was certainly less than kind.

14                  It's time to do business. It's  
15                  time to do the people's business. And it's  
16                  time to stop doing it to the people. And the  
17                  only way we're going to get this done is to  
18                  make the difficult decisions that everybody  
19                  would rather avoid having to make.

20                  We squandered the stimulus money.  
21                  This year is worse than last year. Next year  
22                  by all means will be worse than this year.  
23                  And to delay and dally only ensures that we  
24                  compound the agony that has been imposed by  
25                  both houses of the Legislature and the



1 Governor on the taxpayers of this state, on  
2 the people who are desperately looking for  
3 jobs and the people who are living hand to  
4 mouth.

5 And we wonder why we're the  
6 object -- object -- of such criticism, if not  
7 ridicule. We're long past the time when we  
8 should have acted.

9 Mr. President, the charade should  
10 end. We should not be going into silos. We  
11 should not be going into bunkers. We should  
12 have the courage of our convictions and get  
13 about resolving this horrid situation. Time  
14 is not an ally. Every day we waste makes the  
15 decision that much more difficult.

16 Thank you, Mr. President.

17 ACTING PRESIDENT BRESLIN: Thank  
18 you, Senator Saland.

19 Senator Montgomery.

20 SENATOR MONTGOMERY: Yes, thank  
21 you, Mr. President. I just had to rise to  
22 make a couple of comments specifically about  
23 what's been said.

24 Senator Libous mentioned that what  
25 our constituents were expecting of us. And I

1 want to make sure that my constituents  
2 understand what we're trying to do here.

3 And yes, I certainly accept the  
4 comments and the criticism that we are late  
5 with our budget. It sounds very familiar. I  
6 hear it on the media all the time. It's the  
7 famous soundbite of the anti-Democratic  
8 mantra, and that is "They are late with the  
9 budget, and what are they doing?"

10 And certainly it's not the first  
11 time. Obviously. And I believe that  
12 New Yorkers know by now that it is generally a  
13 very difficult process that we engage every  
14 year in trying to solve the issues around the  
15 budget in a way that is sensitive to the needs  
16 of all of the people that we represent in all  
17 parts of the state.

18 And in the last few years it's been  
19 particularly difficult, because over these  
20 many decades -- and certainly I accept  
21 responsibility on our side, but we know that  
22 there's plenty of blame to go around. We  
23 understand that.

24 So I just want my constituents to  
25 be sure to know that yes, we have a

1 particularly difficult time this year with  
2 \$10 billion to \$13 billion in a deficit. We  
3 have a \$60 billion deficit in our debt service  
4 alone. And we have a tremendous problem with  
5 revenue, not because of what we've done here  
6 in New York, but what is happening in America  
7 in terms of the economy. So we are trying to  
8 do as much as we can.

9 We know, too, there are several  
10 different proposals that we're all looking at.  
11 Hopefully that's going to help move this  
12 process along. So we're not just sitting  
13 here.

14 We have what many of us consider  
15 the Ravitch proposal, which includes some  
16 borrowing. Some people are very much opposed  
17 to that. Some people think if we don't do  
18 this, we cannot possibly save ourselves by  
19 cutting to the bone all of the services for  
20 New Yorkers across the state.

21 Then there's the Krueger proposal,  
22 which certainly some of us think is a good  
23 proposal because it includes changing our  
24 fiscal year to June 1, so that by that time we  
25 would know what our revenues are. Right now

1       our fiscal year does not take into  
2       consideration when we really in fact  
3       understand what the revenues of the state are  
4       going to be. So that sort of makes no sense  
5       to me. So that's another proposal.

6               It also includes, the Krueger  
7       proposal -- Liz Krueger -- includes an  
8       independent budget office. That makes sense  
9       to me. There are some other aspects to that  
10      that we call the reform.

11             Then there's the Assembly proposal.  
12      And we don't know exactly what they're  
13      proposing, but we know that it's different  
14      from what's coming into our house, what we're  
15      proposing.

16             So yes, it's difficult. This is a  
17      huge state. This is about the third or fourth  
18      or fifth largest budget in the entire nation  
19      that we are trying to balance here. And we're  
20      trying to do it with a \$10 billion to  
21      \$13 billion deficit, and we're trying to do it  
22      so that it doesn't absolutely undermine and  
23      destroy the infrastructure of our state, both  
24      economically as well as structurally.

25             So it's difficult. And to just

1 stand up and talk about, simplistically, Oh,  
2 we're late with the budget. What are you  
3 doing? Why are we late? We have never been  
4 late. And we shouldn't be passing these  
5 extenders -- that is absolutely, I think,  
6 irresponsible.

7 And I want my constituents to know  
8 that we are working very hard. We know that  
9 this is going to be a difficult process. And  
10 it is not fair for me to blame the  
11 Republicans, and it's definitely not fair for  
12 them to blame us, because this is not the sole  
13 responsibility or the fault of either of us.

14 But we all, every single one of us,  
15 bear responsibility for making sure that the  
16 citizens of this state are treated with  
17 respect, especially as it regards the budget  
18 of the State of New York.

19 Thank you, Mr. President.

20 ACTING PRESIDENT BRESLIN: Thank  
21 you, Senator Montgomery.

22 Are there any other Senators who  
23 wish to be heard?

24 Hearing none, the Secretary will  
25 ring the bell.

1                   Read the last section.

2                   THE SECRETARY:     Section 15.  This  
3                   act shall take effect immediately.

4                   ACTING PRESIDENT BRESLIN:     Call  
5                   the roll.

6                   (The Secretary called the roll.)

7                   SENATOR SEWARD:     Mr. President.

8                   ACTING PRESIDENT BRESLIN:  
9                   Senator Seward, to explain his vote.

10                  SENATOR SEWARD:     Yes, thank you,  
11                  Mr. President.

12                  I hate to say it, but we are in  
13                  truly a sad state of affairs because of the  
14                  lack of an open, transparent, inclusive budget  
15                  process again this year.  Not following the  
16                  2007 budget reform law has resulted in no  
17                  budget.  Here we are at April 12th, and the  
18                  necessity to pass yet another extender.

19                  And while I understand the  
20                  reason -- we've got to keep state government  
21                  functioning -- this extender before us,  
22                  because of the fact of the amendment which was  
23                  presented a few minutes ago failed to get any  
24                  support from the other side, this extender  
25                  that's before us at this moment is truly

1 incomplete.

2           There are critical transportation  
3 infrastructure projects where there are actual  
4 contracts in place and contractors working,  
5 employees working, with no authority to pay  
6 these workers. This is not fair to the  
7 working families who depend on the income from  
8 these contracts and these projects. It's not  
9 fair to the public safety of our state, who  
10 also depend on the completion of these  
11 projects.

12           So, Mr. President, in my district  
13 alone, several hundred workers are going  
14 without a paycheck because they've either been  
15 laid off or not hired yet because of the lack  
16 of inclusion of these projects.

17           This process or lack of a process  
18 has said no to these workers. And so,  
19 Mr. President, I must say no to this extender.

20           ACTING PRESIDENT BRESLIN:  
21 Senator Seward will be recorded in the  
22 negative.

23           Senator Griffo, to explain his  
24 vote.

25           SENATOR GRIFFO:     Thank you,

1       Mr. President.

2                   Today we've heard "critical mass."  
3       And I think this is a capital mess, to be  
4       quite honest with you.

5                   Where's is the sense of urgency and  
6       concern in meeting deadlines? Twelve days  
7       overdue. We gave up before we even started.  
8       We had an extender before April 1st even came.

9                   Where's the concern about obeying  
10      laws? We're getting new ideas about new  
11      proposals while we're ignoring the existing  
12      rules and regulations and laws that are on the  
13      books.

14                  And where are we in fulfilling our  
15      obligations and responsibilities? Not in  
16      talking about the past and in pointing the  
17      finger of blame, but in moving forward and  
18      getting the job done. That's what the people  
19      of the State of New York expect and need from  
20      all of us here.

21                  So I think, from the comments that  
22      the Governor has made, from the discussions  
23      that I've heard, and from this piece of  
24      legislation, this extender, it's evidence to  
25      me of the lack of substantial progress. It's



1 an indication of the lack of serious budget  
2 deliberations. And also, to me, it's a  
3 reflection on the inability to get the job  
4 done.

5 And the people of the State of  
6 New York deserve better. And for that reason,  
7 I vote no.

8 ACTING PRESIDENT BRESLIN:  
9 Senator Griffo will be recorded in the  
10 negative.

11 Senator DeFrancisco, to explain his  
12 vote.

13 SENATOR DeFRANCISCO: Just to  
14 explain the negative vote.

15 Very simply, this extender is  
16 incomplete. But an extender, the whole term  
17 "extender" basically means we need more time  
18 to finish, as far as I'm concerned. That's  
19 what an extender means, give us more time to  
20 finish.

21 The reason I'm voting no is we  
22 haven't even started yet. We haven't started  
23 the process, we haven't started debating the  
24 issues, we haven't started anything.

25 And until we have a schedule and

1       until we start the process in an orderly  
2       fashion, I'm going to be voting no on this  
3       extender and any other extender because it  
4       just gives blank check to those who are  
5       meeting behind closed doors to take as much  
6       time as they want, to the detriment of the  
7       people of the State of New York.

8               Thank you. I vote no.

9               ACTING PRESIDENT BRESLIN:

10       Senator DeFrancisco will be recorded in the  
11       negative.

12              Announce the results.

13              THE SECRETARY:       Those recorded in  
14       the negative on Calendar Number 345 are  
15       Senators DeFrancisco, Golden, Griffo,  
16       Marcellino, Ranzenhofer, and Seward.

17              Those Senators absent from voting:  
18       Senator Flanagan.

19              Excused: Senator Morahan.

20              Ayes, 54. Nays, 6.

21              ACTING PRESIDENT BRESLIN:       The  
22       bill is passed.

23              Senator Klein, that completes the  
24       reading of the supplemental controversial  
25       calendar.

1                   SENATOR KLEIN:     Mr. President,  
2                   can we return quickly to motions and  
3                   resolutions.

4                   ACTING PRESIDENT BRESLIN:  
5                   Motions and resolutions.

6                   The Secretary will read.

7                   SENATOR KLEIN:     Mr. President, on  
8                   behalf of Senator Valesky, I move to amend  
9                   Senate Bill Number 4302A by striking out the  
10                  amendments made on June 8, 2009, and restoring  
11                  it to its original print number, 4302.

12                  ACTING PRESIDENT BRESLIN:     So  
13                  ordered.

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

18                  ACTING PRESIDENT BRESLIN:     To be  
19                  filed in the Journal.

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

22                  ACTING PRESIDENT BRESLIN:     No,  
23                  Senator Klein, the desk is clear.

24                  SENATOR KLEIN:     There being none,  
25                  Mr. President, I move that we adjourn until

1 Tuesday, April 13th, at 3:00 p.m.

2 ACTING PRESIDENT BRESLIN: There  
3 being no further business to come before the  
4 Senate, on motion, the Senate stands adjourned  
5 until Tuesday, April 13th, at 3:00 p.m.

6 (Whereupon, at 6:41 p.m., the  
7 Senate adjourned.)  
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