NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 12, 2010

3:30 p.m.

REGULAR SESSION

SENATOR NEIL D. BRESLIN, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

ACTING PRESIDENT BRESLIN: The invocation today will be offered by the Reverend Peter G. Young, of Mother Teresa Community in Albany.

REVEREND YOUNG: Thank you, Senator.

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

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

As citizens of the Empire State, we

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

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

Amen.

ACTING PRESIDENT BRESLIN: Thank you, Father Young.

The reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

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

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

ACTING PRESIDENT BRESLIN: So ordered.

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

ACTING PRESIDENT BRESLIN: So ordered.

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

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

ACTING PRESIDENT BRESLIN: So ordered.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: There are substitutions at the desk.

The Secretary will read.

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

ACTING PRESIDENT BRESLIN: Substitution ordered.

Senator Klein.

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

ACTING PRESIDENT BRESLIN:

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

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

served; and

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

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

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

ACTING PRESIDENT BRESLIN:

Senator Stachowski.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Stachowski.

Senator Maziarz.

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Maziarz.

Senator DeFrancisco.

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

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

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

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

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

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

Thank you.

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

Hearing none, the question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

And if we could now have a moment of silence recognizing the tragedy.

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

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

Senator Klein.

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

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

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

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

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

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

ACTING PRESIDENT BRESLIN: Senator Klein.

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The Rules Committee report is adopted.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

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

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN:

Announce the results.

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

ACTING PRESIDENT BRESLIN: The bill is passed.

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

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BRESLIN: The bill is passed.

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

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

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

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

ACTING PRESIDENT BRESLIN: The bill is passed.

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

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BRESLIN: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

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

Ayes, 58. Nays, 2.

ACTING PRESIDENT BRESLIN: The bill is passed.

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

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 3. Senators Bonacic, O. Johnson and Larkin recorded in the negative.

ACTING PRESIDENT BRESLIN: The bill is passed.

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

SENATOR KLEIN: Lay the bill aside for the day.

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

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

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

ACTING PRESIDENT BRESLIN: We apologize, Senator Johnson.

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

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

Senator Diaz.

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

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

ACTING PRESIDENT BRESLIN: Substitution ordered.

The Secretary will read.

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

SENATOR LIBOUS: Lay the bill aside.

ACTING PRESIDENT BRESLIN: The bill is laid aside.

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

Senator Klein.

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

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

ACTING PRESIDENT BRESLIN: Senator Klein.

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

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

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

ACTING PRESIDENT BRESLIN: The

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

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

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT BRESLIN: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT BRESLIN: Senator Libous, the amendment of Senator DeFrancisco is here at the desk. Without objection, the reading is waived and Senator DeFrancisco may speak on the amendment.

SENATOR LIBOUS: Thank you,

Mr. President.

SENATOR DeFRANCISCO: Thank you.

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

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

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

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

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

ACTING PRESIDENT BRESLIN: Thank you, Senator DeFrancisco.

Senator Dilan.

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

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

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

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

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

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

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

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

However, I will be voting no on the

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

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

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Senator DeFrancisco.

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

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

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

administration.

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

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

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

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator DeFrancisco.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you,

Mr. President.

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

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

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

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

I'll be supporting the amendment.

ACTING PRESIDENT BRESLIN: Thank you, Senator Fuschillo.

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

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

ACTING PRESIDENT BRESLIN: Yes, certainly.

SENATOR LIBOUS: Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 28. Nays, 32.

ACTING PRESIDENT BRESLIN: The motion fails.

Read the last section.

SENATOR DeFRANCISCO: Explanation.

ACTING PRESIDENT BRESLIN: Excuse

me, an explanation has been requested by Senator DeFrancisco.

Senator Kruger.

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

ACTING PRESIDENT BRESLIN: Thank you, Senator Kruger.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: The Secretary will call the roll.

(The Secretary called the roll.)

SENATOR SCHNEIDERMAN: Yes.

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

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

Senator DeFrancisco.

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

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

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

ACTING PRESIDENT BRESLIN: You may proceed, Senator DeFrancisco.

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

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

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

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

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

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question.

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

SENATOR CARL KRUGER: Yes, I do.

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

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

was opened for negotiations?

ACTING PRESIDENT BRESLIN: Senator DeFrancisco.

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

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

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

But if Senator Kruger would yield to another question.

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

SENATOR CARL KRUGER: Yes, I do.

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

Assembly? Are we ever going to start that process?

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

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Through you, Mr. President.

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

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

ACTING PRESIDENT BRESLIN: Senator Kruger, do you yield to one last question from Senator DeFrancisco?

SENATOR CARL KRUGER: Absolutely, Mr. President.

ACTING PRESIDENT BRESLIN: Senator DeFrancisco.

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

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

ACTING PRESIDENT BRESLIN: Senator Kruger.

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

SENATOR DeFRANCISCO: Thank you, Senator.

SENATOR CARL KRUGER: Thank you.

SENATOR DeFRANCISCO: On the bill.

ACTING PRESIDENT BRESLIN: Senator DeFrancisco, on the bill.

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

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

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

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

We're now two weeks late on the

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

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

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

And even the Governor is saying

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

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

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

But at least the public sees what's

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator DeFrancisco.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

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

follow the law.

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

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

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

It's very disappointing. We have

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

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

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

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

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

ACTING PRESIDENT BRESLIN: Thank you, Senator Libous.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

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

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

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

that. We're totally ignoring it.

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

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

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

That is the message that is coming

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BRESLIN: Thank you, Senator Marcellino.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

Would the chairman of Finance yield?

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

SENATOR CARL KRUGER: My pleasure.

ACTING PRESIDENT BRESLIN: Senator Larkin.

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

How many construction projects does this affect?

SENATOR CARL KRUGER: I don't

know.

SENATOR LARKIN: How much money?

SENATOR CARL KRUGER: Thirty million, in total.

SENATOR LARKIN: And are you letting --

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

SENATOR LARKIN: Would you yield again?

SENATOR CARL KRUGER: Yes, I do.

ACTING PRESIDENT BRESLIN: Yes.

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

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

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

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

ACTING PRESIDENT BRESLIN: Senator Kruger.

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

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

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

ACTING PRESIDENT BRESLIN: Senator Larkin.

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

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

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

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Yes.

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

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

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

SENATOR CARL KRUGER: Yes, that is.

ACTING PRESIDENT BRESLIN: Senator Larkin.

SENATOR LARKIN: Would you yield again?

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

SENATOR CARL KRUGER: Yes, I do.

ACTING PRESIDENT BRESLIN: You may proceed, Senator Larkin.

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

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

On the bill, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Larkin, on the bill.

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

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

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

get a budget done.

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

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

Senator Parker, why do you rise?

SENATOR PARKER: Will Senator Larkin yield for a question?

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

SENATOR LARKIN: Yes. Yes.

ACTING PRESIDENT BRESLIN: You may proceed, Senator Parker.

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

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

SENATOR LARKIN: Thirty years.

SENATOR PARKER: Thirty years.

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

SENATOR PARKER: Twenty years in this chamber.

SENATOR LARKIN: Mm-hmm.

SENATOR PARKER: Will Senator Larkin yield for another question?

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

SENATOR LARKIN: Yes.

ACTING PRESIDENT BRESLIN: You may proceed, Senator Parker.

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

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

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

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

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

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

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

SENATOR LARKIN: One more.

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

Senator Parker, you may proceed.

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

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

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

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

ACTING PRESIDENT BRESLIN: Senator Larkin.

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

Now, the charade that went on here

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

ACTING PRESIDENT BRESLIN: Excuse me, Senator Larkin.

Senator Lanza, why do you rise?

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

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

SENATOR LANZA: We'll get back to that.

ACTING PRESIDENT BRESLIN: Senator Larkin, are you finished?

SENATOR LARKIN: Yes.

ACTING PRESIDENT BRESLIN: Senator Ranzenhofer, on the bill.

SENATOR RANZENHOFER: Thank you.

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

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

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

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

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

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

SENATOR RANZENHOFER: Because this is bad news --

ACTING PRESIDENT BRESLIN: Excuse me, Senator Ranzenhofer.

SENATOR RANZENHOFER: Sure.

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Mr. President, I'll allow Senator Ranzenhofer to finish. Then I would like to speak.

ACTING PRESIDENT BRESLIN: Senator Ranzenhofer, you may continue. I apologize.

SENATOR RANZENHOFER: Thank you.

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Ranzenhofer.

Senator Kruger.

SENATOR CARL KRUGER: Thank you, Mr. President.

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Kruger.

Senator LaValle.

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

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

SENATOR CARL KRUGER: Yes, I do.

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

SENATOR CARL KRUGER: I don't believe so.

SENATOR LaVALLE: Mr. President,

would Senator Kruger yield again?

ACTING PRESIDENT BRESLIN: Senator Kruger, will you continue to yield to Senator LaValle?

SENATOR CARL KRUGER: Yes, I will.

ACTING PRESIDENT BRESLIN: You may proceed.

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

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Thank you, Mr. President.

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

ACTING PRESIDENT BRESLIN: Senator LaValle.

SENATOR LaVALLE: Would you yield, Senator?

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

SENATOR CARL KRUGER: Yes, Mr. President.

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

SENATOR CARL KRUGER: Yes, it does.

SENATOR LaVALLE: Yes, it does what?

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

(Laughter.)

ACTING PRESIDENT BRESLIN: Senator LaValle.

SENATOR LaVALLE: Okay. On the bill.

ACTING PRESIDENT BRESLIN: Senator LaValle, on the bill.

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

in this chamber.

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator LaValle.

Senator Parker.

SENATOR PARKER: Mr. President, on the bill.

ACTING PRESIDENT BRESLIN: On the bill.

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

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

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

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

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

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

Let's get the record straight. We

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

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

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

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

rich people off the hook for paying taxes.

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

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

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

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

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

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

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

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

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

Mr. President.

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

Senator Lanza, why do you rise?

SENATOR LANZA: Mr. President,

would Senator Parker yield for some questions?

ACTING PRESIDENT BRESLIN: Senator Parker, would you yield for a question from Senator Lanza?

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

(Laughter.)

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BRESLIN: Thank you, Senator Parker.

Senator Lanza, Senator Parker will yield for a question.

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

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

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

ACTING PRESIDENT BRESLIN: Senator Lanza.

SENATOR LANZA: Would Senator Parker continue to yield?

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

SENATOR PARKER: I will continue to yield.

ACTING PRESIDENT BRESLIN: Senator Lanza.

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

ACTING PRESIDENT BRESLIN: Senator Parker.

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

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

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

ACTING PRESIDENT BRESLIN: Senator Lanza.

SENATOR LANZA: Would Senator Parker continue to yield?

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

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

ACTING PRESIDENT BRESLIN: Senator Lanza.

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

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

SENATOR PARKER: Mr. President, through you.

ACTING PRESIDENT BRESLIN: Senator Parker.

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

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

The reality is since we've gotten

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

ACTING PRESIDENT BRESLIN: Senator Lanza.

SENATOR LANZA: Would Senator Parker continue to yield?

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

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

ACTING PRESIDENT BRESLIN: Senator Lanza.

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

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

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

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

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

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

ACTING PRESIDENT BRESLIN: Senator Parker.

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

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

I'm saying two other things. One,

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

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

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

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

SENATOR LANZA: Would Senator Parker continue to yield?

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

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

ACTING PRESIDENT BRESLIN: You may proceed, Senator Lanza.

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

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

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

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

ACTING PRESIDENT BRESLIN: Thank you.

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

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

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

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

ACTING PRESIDENT BRESLIN:

Senator Lanza.

SENATOR LANZA: Would Senator Parker continue to yield?

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

SENATOR PARKER: Yes.

ACTING PRESIDENT BRESLIN: You may proceed, Senator Lanza.

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

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

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

ACTING PRESIDENT BRESLIN: Senator Parker.

SENATOR PARKER: Through you,

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

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

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

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

SENATOR LANZA: Thank you, Senator Parker.

Mr. President, on the bill.

ACTING PRESIDENT BRESLIN: Senator Lanza, on the bill.

SENATOR LANZA: You know --

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

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

SENATOR PARKER: I'm done.

ACTING PRESIDENT BRESLIN: Senator Lanza.

SENATOR LANZA: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thanks, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Lanza.

Senator Onorato, why do you rise?

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

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

SENATOR LIBOUS: Hold on. Hold on --

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

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

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

SENATOR LIBOUS: Thank you.

Thank you, Mr. President.

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

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

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

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

ACTING PRESIDENT BRESLIN: Senator Onorato --

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

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

Senator Padavan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BRESLIN: Thank you, Senator Padavan.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

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

ACTING PRESIDENT BRESLIN: Senator Saland, on the bill.

SENATOR SALAND: Thank you.

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

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

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

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

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

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

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

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

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

taxes.

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Saland.

Senator Montgomery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

So it's difficult. And to just

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Montgomery.

Are there any other Senators who wish to be heard?

Hearing none, the Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

SENATOR SEWARD: Mr. President.

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

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

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

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

incomplete.

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

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

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

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

Senator Griffo, to explain his vote.

SENATOR GRIFFO: Thank you,

Mr. President.

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

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

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

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

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

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

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

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

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Just to explain the negative vote.

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

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

And until we have a schedule and

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

Thank you. I vote no.

ACTING PRESIDENT BRESLIN: Senator DeFrancisco will be recorded in the negative.

Announce the results.

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

Those Senators absent from voting: Senator Flanagan.

Excused: Senator Morahan.

Ayes, 54. Nays, 6.

ACTING PRESIDENT BRESLIN: The bill is passed.

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

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

ACTING PRESIDENT BRESLIN: Motions and resolutions.

The Secretary will read.

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

ACTING PRESIDENT BRESLIN: So ordered.

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

ACTING PRESIDENT BRESLIN: To be filed in the Journal.

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

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

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

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

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

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