

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 April 12, 2010

11 3:30 p.m.

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13
14 REGULAR SESSION

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18 SENATOR NEIL D. BRESLIN, Acting President

19 ANGELO J. APONTE, Secretary

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

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

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

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

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

12 REVEREND YOUNG: Thank you,
13 Senator.

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

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

25 As citizens of the Empire State, we

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

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

8 Amen.

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

11 The reading of the Journal.

12 The Secretary will read.

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

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

21 Presentation of petitions.

22 Messages from the Assembly.

23 Messages from the Governor.

24 Reports of standing committees.

25 Reports of select committees.

1 Communications and reports from
2 state officers.

3 Motions and resolutions.

4 Senator Klein.

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

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

13 ACTING PRESIDENT BRESLIN: So
14 ordered.

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

21 ACTING PRESIDENT BRESLIN: So
22 ordered.

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

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

4 ACTING PRESIDENT BRESLIN: So
5 ordered.

6 Senator Klein.

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

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

11 The Secretary will read.

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

18 ACTING PRESIDENT BRESLIN:
19 Substitution ordered.

20 Senator Klein.

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

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

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

7 ACTING PRESIDENT BRESLIN: The
8 Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 served; and

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

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

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

21 ACTING PRESIDENT BRESLIN:
22 Senator Stachowski.

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

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

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

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

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

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

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

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

10 Thank you, Mr. President.

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

13 Senator Maziarz.

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

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

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

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

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

9 Thank you, Mr. President.

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

12 Senator DeFrancisco.

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

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

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

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

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

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

16 Thank you.

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

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

23 (Response of "Aye.")

24 ACTING PRESIDENT BRESLIN:
25 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT BRESLIN: The
3 resolution is adopted.

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

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

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

14 Senator Klein.

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

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

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

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

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

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

7 ACTING PRESIDENT BRESLIN:
8 Senator Klein.

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

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

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

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

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

1 (Response of "Aye.")

2 ACTING PRESIDENT BRESLIN:

3 Opposed, nay.

4 (No response.)

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

7 Senator Klein.

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

11 ACTING PRESIDENT BRESLIN: The
12 Secretary will read.

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

18 ACTING PRESIDENT BRESLIN: Read
19 the last section.

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

22 ACTING PRESIDENT BRESLIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BRESLIN:

1 Announce the results.

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

5 ACTING PRESIDENT BRESLIN: The
6 bill is passed.

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

11 ACTING PRESIDENT BRESLIN: Read
12 the last section.

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

15 ACTING PRESIDENT BRESLIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BRESLIN:
19 Announce the results.

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT BRESLIN: The
22 bill is passed.

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

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

3 ACTING PRESIDENT BRESLIN: Read
4 the last section.

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

7 ACTING PRESIDENT BRESLIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BRESLIN:
11 Announce the results.

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

15 ACTING PRESIDENT BRESLIN: The
16 bill is passed.

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

22 ACTING PRESIDENT BRESLIN: Read
23 the last section.

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

1 ACTING PRESIDENT BRESLIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BRESLIN:
5 Announce the results.

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT BRESLIN: The
8 bill is passed.

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

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

15 Read the last section.

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

18 ACTING PRESIDENT BRESLIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BRESLIN:
22 Announce the results.

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

1 Ayes, 58. Nays, 2.

2 ACTING PRESIDENT BRESLIN: The
3 bill is passed.

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

8 ACTING PRESIDENT BRESLIN: Read
9 the last section.

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

12 ACTING PRESIDENT BRESLIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BRESLIN:
16 Announce the results.

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

20 ACTING PRESIDENT BRESLIN: The
21 bill is passed.

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

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

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

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

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

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

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

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

15 Senator Diaz.

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

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

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

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

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

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

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

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

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

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

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

9 ACTING PRESIDENT BRESLIN: The
10 Secretary will read.

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

17 ACTING PRESIDENT BRESLIN:
18 Substitution ordered.

19 The Secretary will read.

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

22 SENATOR LIBOUS: Lay the bill
23 aside.

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

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

4 Senator Klein.

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

8 ACTING PRESIDENT BRESLIN: The
9 Secretary will read.

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

15 ACTING PRESIDENT BRESLIN:
16 Senator Klein.

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

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

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

25 ACTING PRESIDENT BRESLIN: The

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

4 (Response of "Aye.")

5 ACTING PRESIDENT BRESLIN:

6 Opposed, nay.

7 (No response.)

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

11 SENATOR LIBOUS: Mr. President.

12 ACTING PRESIDENT BRESLIN:

13 Senator Libous.

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

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

20 ACTING PRESIDENT BRESLIN:

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

25 SENATOR LIBOUS: Thank you,

1 Mr. President.

2 SENATOR DeFRANCISCO: Thank you.

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

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

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

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

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

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

7 Senator Dilan.

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

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

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

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

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

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

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

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

25 However, I will be voting no on the

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

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

14 Thank you, Mr. President.

15 ACTING PRESIDENT BRESLIN:

16 Senator DeFrancisco.

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

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

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

1 administration.

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

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

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

21 Thank you.

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

24 Senator Fuschillo.

25 SENATOR FUSCHILLO: Thank you,

1 Mr. President.

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

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

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

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

1 I'll be supporting the amendment.

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

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

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

9 ACTING PRESIDENT BRESLIN: Yes,
10 certainly.

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

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

17 Announce the results.

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

20 ACTING PRESIDENT BRESLIN: The
21 motion fails.

22 Read the last section.

23 SENATOR DeFRANCISCO:
24 Explanation.

25 ACTING PRESIDENT BRESLIN: Excuse

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

3 Senator Kruger.

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

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

10 Senator Klein.

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

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

18 (The Secretary called the roll.)

19 SENATOR SCHNEIDERMAN: Yes.

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

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

25 Senator DeFrancisco.

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

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

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

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

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

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

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

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

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

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

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

15 SENATOR CARL KRUGER: Yes, I do.

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

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

1 was opened for negotiations?

2 ACTING PRESIDENT BRESLIN:

3 Senator DeFrancisco.

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

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

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

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

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

17 SENATOR CARL KRUGER: Yes, I do.

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

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

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

10 ACTING PRESIDENT BRESLIN:

11 Senator Kruger.

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

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

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

23 ACTING PRESIDENT BRESLIN:

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

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

3 ACTING PRESIDENT BRESLIN:
4 Senator DeFrancisco.

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

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

16 ACTING PRESIDENT BRESLIN:
17 Senator Kruger.

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

23 SENATOR DeFRANCISCO: Thank you,
24 Senator.

25 SENATOR CARL KRUGER: Thank you.

1 SENATOR DeFRANCISCO: On the
2 bill.

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

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

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

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

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

25 We're now two weeks late on the

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

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

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

25 And even the Governor is saying

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

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

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

25 But at least the public sees what's

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

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

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

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

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

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

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

15 Thank you.

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

18 Senator Libous.

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

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

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

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

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

1 follow the law.

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

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

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

25 It's very disappointing. We have

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

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

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

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

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

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

6 Senator Marcellino.

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

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

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

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

1 that. We're totally ignoring it.

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

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

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

25 That is the message that is coming

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 Senator Larkin.

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

10 Would the chairman of Finance
11 yield?

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

15 SENATOR CARL KRUGER: My
16 pleasure.

17 ACTING PRESIDENT BRESLIN:
18 Senator Larkin.

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

23 How many construction projects does
24 this affect?

25 SENATOR CARL KRUGER: I don't

1 know.

2 SENATOR LARKIN: How much money?

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

5 SENATOR LARKIN: And are you
6 letting --

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

10 SENATOR LARKIN: Would you yield
11 again?

12 SENATOR CARL KRUGER: Yes, I do.

13 ACTING PRESIDENT BRESLIN: Yes.

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

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

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

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

3 ACTING PRESIDENT BRESLIN:
4 Senator Kruger.

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

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

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

19 ACTING PRESIDENT BRESLIN:
20 Senator Larkin.

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

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

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

3 ACTING PRESIDENT BRESLIN:
4 Senator Kruger.

5 SENATOR CARL KRUGER: Yes.

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

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

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

17 SENATOR CARL KRUGER: Yes, that
18 is.

19 ACTING PRESIDENT BRESLIN:
20 Senator Larkin.

21 SENATOR LARKIN: Would you yield
22 again?

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

25 SENATOR CARL KRUGER: Yes, I do.

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

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

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

11 On the bill, Mr. President.

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

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

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

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

1 get a budget done.

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

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

13 Senator Parker, why do you rise?

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

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

19 SENATOR LARKIN: Yes. Yes.

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

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

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

1 SENATOR LARKIN: Thirty years.

2 SENATOR PARKER: Thirty years.

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

5 SENATOR PARKER: Twenty years in
6 this chamber.

7 SENATOR LARKIN: Mm-hmm.

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

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

13 SENATOR LARKIN: Yes.

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

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

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

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

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

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

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

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

16 SENATOR LARKIN: One more.

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

20 Senator Parker, you may proceed.

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

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

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

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

15 ACTING PRESIDENT BRESLIN:
16 Senator Larkin.

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

25 Now, the charade that went on here

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

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

7 Senator Lanza, why do you rise?

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

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

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

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

16 SENATOR LARKIN: Yes.

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

19 SENATOR RANZENHOFER: Thank you.

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

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

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

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

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

20 ACTING PRESIDENT BRESLIN:

21 Senator Kruger, why do you rise?

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

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

1 SENATOR RANZENHOFER: Sure.

2 ACTING PRESIDENT BRESLIN:

3 Senator Kruger.

4 SENATOR CARL KRUGER: Mr.

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

7 ACTING PRESIDENT BRESLIN:

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

10 SENATOR RANZENHOFER: Thank you.

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

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

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

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

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

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

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

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

4 Thank you.

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

7 Senator Kruger.

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

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

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

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

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

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

9 Thank you, Mr. President.

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

12 Senator LaValle.

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

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

19 SENATOR CARL KRUGER: Yes, I do.

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

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

25 SENATOR LaVALLE: Mr. President,

1 would Senator Kruger yield again?

2 ACTING PRESIDENT BRESLIN:

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

5 SENATOR CARL KRUGER: Yes, I
6 will.

7 ACTING PRESIDENT BRESLIN: You
8 may proceed.

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

13 ACTING PRESIDENT BRESLIN:
14 Senator Kruger.

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

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

24 ACTING PRESIDENT BRESLIN:
25 Senator LaValle.

1 SENATOR LaVALLE: Would you
2 yield, Senator?

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

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

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

11 SENATOR CARL KRUGER: Yes, it
12 does.

13 SENATOR LaVALLE: Yes, it does
14 what?

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

17 (Laughter.)

18 ACTING PRESIDENT BRESLIN:
19 Senator LaValle.

20 SENATOR LaVALLE: Okay. On the
21 bill.

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

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

1 in this chamber.

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

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

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

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

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

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

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

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

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

5 Thank you, Mr. President.

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

8 Senator Parker.

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

11 ACTING PRESIDENT BRESLIN: On the
12 bill.

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

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

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

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

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

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

25 Let's get the record straight. We

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

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

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

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

1 rich people off the hook for paying taxes.

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

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

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

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

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

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

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

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

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

21 Mr. President.

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

24 Senator Lanza, why do you rise?

25 SENATOR LANZA: Mr. President,

1 would Senator Parker yield for some questions?

2 ACTING PRESIDENT BRESLIN:

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

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

8 (Laughter.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 ACTING PRESIDENT BRESLIN:
6 Senator Lanza.

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

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

11 SENATOR PARKER: I will continue
12 to yield.

13 ACTING PRESIDENT BRESLIN:
14 Senator Lanza.

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

21 ACTING PRESIDENT BRESLIN:
22 Senator Parker.

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

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

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

12 ACTING PRESIDENT BRESLIN:
13 Senator Lanza.

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

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

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

20 ACTING PRESIDENT BRESLIN:
21 Senator Lanza.

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

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

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

6 ACTING PRESIDENT BRESLIN:
7 Senator Parker.

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

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

25 The reality is since we've gotten

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

4 ACTING PRESIDENT BRESLIN:
5 Senator Lanza.

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

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

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

12 ACTING PRESIDENT BRESLIN:
13 Senator Lanza.

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

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

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

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

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

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

11 ACTING PRESIDENT BRESLIN:
12 Senator Parker.

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

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

25 I'm saying two other things. One,

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

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

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

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

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

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

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

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

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

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

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

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

20 ACTING PRESIDENT BRESLIN: Thank
21 you.

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

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

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

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

22 ACTING PRESIDENT BRESLIN:

23 Senator Lanza.

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

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

3 SENATOR PARKER: Yes.

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

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

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

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

23 ACTING PRESIDENT BRESLIN:
24 Senator Parker.

25 SENATOR PARKER: Through you,

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

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

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

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

1 SENATOR LANZA: Thank you,
2 Senator Parker.

3 Mr. President, on the bill.

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

6 SENATOR LANZA: You know --

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

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

13 SENATOR PARKER: I'm done.

14 ACTING PRESIDENT BRESLIN:
15 Senator Lanza.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Thanks, Mr. President.

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

8 Senator Onorato, why do you rise?

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

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

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

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

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

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

25 SENATOR LIBOUS: Thank you.

1 Thank you, Mr. President.

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

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

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

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

16 ACTING PRESIDENT BRESLIN:
17 Senator Onorato --

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

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

23 Senator Padavan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Senator Saland.

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

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

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

11 SENATOR SALAND: Thank you.

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

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

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

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

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

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

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

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

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

1 taxes.

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

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

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

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

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

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

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

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

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

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

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

16 Thank you, Mr. President.

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

19 Senator Montgomery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 So it's difficult. And to just

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

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

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

19 Thank you, Mr. President.

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

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

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

1 Read the last section.

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

4 ACTING PRESIDENT BRESLIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 SENATOR SEWARD: Mr. President.

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

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

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

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

1 incomplete.

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

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

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

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

23 Senator Griffo, to explain his
24 vote.

25 SENATOR GRIFFO: Thank you,

1 Mr. President.

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

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

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

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

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

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

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

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

11 Senator DeFrancisco, to explain his
12 vote.

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

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

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

25 And until we have a schedule and

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

8 Thank you. I vote no.

9 ACTING PRESIDENT BRESLIN:

10 Senator DeFrancisco will be recorded in the
11 negative.

12 Announce the results.

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

17 Those Senators absent from voting:
18 Senator Flanagan.

19 Excused: Senator Morahan.

20 Ayes, 54. Nays, 6.

21 ACTING PRESIDENT BRESLIN: The
22 bill is passed.

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

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

4 ACTING PRESIDENT BRESLIN:
5 Motions and resolutions.

6 The Secretary will read.

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

12 ACTING PRESIDENT BRESLIN: So
13 ordered.

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

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

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

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

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

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

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

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