

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 19, 2010

11 4:20 p.m.

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14 REGULAR SESSION

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19 SENATOR DIANE SAVINO, Acting President

20 ANGELO J. APONTE, Secretary

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

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

4 I ask everyone present to rise with
5 me and recite the Pledge of Allegiance.

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

8 ACTING PRESIDENT SAVINO: Today's
9 invocation will be provided by the Reverend
10 Peter G. Young, from Mother Teresa Community,
11 Albany.

12 REVEREND YOUNG: Thank you,
13 Senator.

14 As we pray today for those that are
15 stranded due to the inconvenience and the
16 difficulty of the Icelandic volcanic eruption,
17 we pray too for our dedication of this great
18 April date in 1789 when George Washington's
19 inauguration took place in New York City, when
20 he first again was called to leadership. He
21 prayed for integrity for all of those that
22 served in the political process.

23 And we again call for all of the
24 good work here of the Senators and those
25 dedicated to this leadership, that they are

1 elected and dedicated public servants, and we
2 bless them in their name and bless them that
3 they carry out their work in this most
4 important way to help our citizens of New York
5 State.

6 Amen.

7 ACTING PRESIDENT SAVINO: The
8 reading of the Journal.

9 The Secretary will read.

10 THE SECRETARY: In Senate,
11 Sunday, April 18, the Senate met pursuant to
12 adjournment. The Journal of Saturday,
13 April 17, was read and approved. On motion,
14 Senate adjourned.

15 ACTING PRESIDENT SAVINO: Without
16 objection, the Journal stands approved as
17 read.

18 Presentation of petitions.

19 Messages from the Assembly.

20 Messages from the Governor.

21 Reports of standing committees.

22 Reports of select committees.

23 Communications and reports from
24 state officers.

25 Motions and resolutions.

1 Senator Klein.

2 SENATOR KLEIN: Madam President,
3 on behalf of Senator Craig Johnson, I move to
4 recommit Senate Print Number 7094A, Calendar
5 Number 350 on the order of third reading, to
6 the Committee on Finance.

7 ACTING PRESIDENT SAVINO: So
8 ordered.

9 SENATOR KLEIN: On behalf of
10 Senator Stachowski, I move that the following
11 bill be discharged from its respective
12 committee and be recommitted with instructions
13 to strike the enacting clause: Senate Number
14 7226.

15 ACTING PRESIDENT SAVINO: So
16 ordered.

17 SENATOR KLEIN: On behalf of
18 Senator Andrea Stewart-Cousins, on page number
19 21 I offer the following amendments to
20 Calendar Number 315, Senate Print Number 7129,
21 and ask that said bill retain its place on
22 Third Reading Calendar.

23 ACTING PRESIDENT SAVINO: So
24 ordered.

25 SENATOR KLEIN: On behalf of

1 Senator Addabbo, on page number 20 I offer the
2 following amendments to Calendar Number 293,
3 Senate Print Number 2867B, and ask that said
4 bill retain its place on Third Reading
5 Calendar.

6 ACTING PRESIDENT SAVINO: So
7 ordered.

8 SENATOR KLEIN: On behalf of
9 Senator Stachowski, on page number 17 I offer
10 the following amendments to Calendar Number
11 227, Senate Print Number 5585B, and ask that
12 said bill retain its place on Third Reading
13 Calendar.

14 ACTING PRESIDENT SAVINO: So
15 ordered.

16 Senator Klein.

17 SENATOR KLEIN: Madam President,
18 I have a resolution at the desk. I ask that
19 the resolution be read in its entirety and
20 move for its immediate adoption.

21 ACTING PRESIDENT SAVINO: Senator
22 Klein, has that resolution been deemed
23 privileged and submitted by the office of the
24 Temporary President?

25 SENATOR KLEIN: Yes, it has,

1 Madam President.

2 ACTING PRESIDENT SAVINO: The
3 Secretary will read.

4 THE SECRETARY: By Senator Klein,
5 legislative resolution recognizing the 62nd
6 Anniversary of the founding of the modern
7 State of Israel, and reaffirming the bonds of
8 close friendship and cooperation between
9 New York State and Israel.

10 "WHEREAS, On May 14, 1948, the
11 Jewish people established the sovereign and
12 independent State of Israel, and the United
13 States immediately established full diplomatic
14 relations with Israel; and

15 "WHEREAS, Established following the
16 genocide of more than 6 million Jews during
17 the Holocaust, Israel is the homeland of the
18 Jewish people; and

19 "WHEREAS, Israel has been a
20 democratic society since its establishment and
21 has a thriving economy and culture despite the
22 constant threat of terrorism, war, and unjust
23 diplomatic and economic boycotts; and

24 "WHEREAS, Israel has a pluralistic
25 democratic political system that includes

1 freedom of speech, of press, and of religion;
2 and

3 "WHEREAS, Israel was one of the
4 first countries to send humanitarian aid,
5 search-and-rescue teams, mobile hospitals and
6 other emergency supplies to Haiti following
7 the 2010 earthquake; and

8 "WHEREAS, For more than 60 years,
9 the State of New York and Israel have
10 maintained a special relationship based on
11 mutually shared democratic values, common
12 strategic interests, and moral bonds of
13 friendship and mutual respect; and

14 "WHEREAS, New York State and Israel
15 engage in many scientific, educational and
16 business initiatives; and

17 "WHEREAS, Israel is New York's
18 third leading trade partner. This year,
19 New York State expects to export over
20 \$5 billion worth of manufactured goods to
21 Israel; and

22 "WHEREAS, In 1989 Governor Mario M.
23 Cuomo created the New York-Israel Economic
24 Development Partnership to promote trade and a
25 lasting strategic alliance. And in 1998,

1 Governor George E. Pataki led a delegation to
2 Israel to open a New York State trade office
3 in Jerusalem; and

4 "WHEREAS, In 2003, Cornell
5 University and the U.S.-Israel Bi-National
6 Agricultural Research and Development Fund
7 (BARD) established a new program to further
8 joint agricultural research; and

9 "WHEREAS, Most recently, in
10 October 2009, Governor David A. Paterson and
11 the Israeli Minister of Industry and Trade
12 signed a memorandum of understanding relating
13 to high-tech research and design; and

14 "WHEREAS, This Legislative Body
15 appreciates the bonds of friendship and
16 cooperation which have existed between Israel
17 and New York for over 60 years, and looks
18 forward to strengthening the relationship in
19 years to come; and

20 "WHEREAS, This Legislative Body, on
21 behalf of the people of the State of New York,
22 recognizes the historic significance of the
23 62nd Anniversary of the reestablishment of the
24 sovereign and independent State of Israel as a
25 homeland for the Jewish people and commends

1 the people of Israel for their remarkable
2 achievements in building a new state and a
3 pluralistic, democratic society in the face of
4 great adversity; now, therefore, be it

5 "RESOLVED, That this Legislative
6 Body pause in its deliberations to commemorate
7 the 62nd Anniversary of the founding of the
8 modern state of Israel and to reaffirm the
9 bonds of friendship and cooperation between
10 New York State and Israel."

11 ACTING PRESIDENT SAVINO: Senator
12 Klein.

13 SENATOR KLEIN: Thank you, Madam
14 President.

15 It was truly my honor and privilege
16 to be able to introduce this resolution
17 recognizing Israel on her 62nd anniversary.

18 As the grandson of Holocaust
19 survivors, it certainly hits home that the
20 Jewish state of Israel was founded and started
21 after the Holocaust to welcome back Jews from
22 all over the diaspora to their homeland in the
23 State of Israel.

24 What certainly startled me is the
25 special relationship that Israel and New York

1 State have had over the last 60 years. In
2 1989, Mario Cuomo created the New York-Israel
3 Economic Development Partnership. I also
4 learned that the State of Israel is New York's
5 third leading trade partner. This year
6 New York State expects to export over
7 \$5 billion worth of manufactured goods to
8 Israel. So besides being the homeland of the
9 Jewish people, Israel is also one of our major
10 trading partners in New York State.

11 I would just like to close, Madam
12 President -- as I said earlier, my
13 grandparents, even though they never moved to
14 or lived in Israel, would go there often. And
15 one of the things they taught me at a very
16 early age was that it was important to always
17 keep the Jewish state of Israel alive -- with
18 financial support, moral support, or just as a
19 haven to make sure that something like the
20 Holocaust could never happen again.

21 I would just like to close by
22 citing the first Prime Minister of Israel,
23 David Ben-Gurion who I think really summed up
24 the existence of the Jewish people and the
25 continued existence of the Jewish people, and

1 the State of Israel, who said that "If you
2 don't believe in miracles, you're not a
3 realist."

4 Thank you, Madam President.

5 ACTING PRESIDENT SAVINO: Senator
6 Stavisky.

7 SENATOR STAVISKY: Thank you,
8 Madam Chairman. And thank you, Senator Klein,
9 for introducing this resolution.

10 It took 5,000 or so years, but
11 finally, in 1948, President Truman recognized,
12 on behalf of the United States, the creation
13 of the State of Israel. It became, obviously,
14 a homeland for Holocaust survivors, but it
15 also represents a beacon of hope and democracy
16 and progressive institutions in the Middle
17 East, an area which is lacking in these
18 democratic institutions.

19 Israel has been -- it's continually
20 threatened from its neighbors. It constantly
21 is under threats of terrorism. I was there on
22 one occasion when the air raid sirens went off
23 and we were ushered into the basement of a
24 building. Israel has been subjected to
25 boycotts on behalf of various industries. And

1 throughout its years, it has managed, through
2 war after war, to succeed and survive -- the
3 miracle that David Ben-Gurion spoke about.

4 Yes, New York has a special
5 relationship with Israel. But Israel has a
6 special relationship with the rest of the
7 world. Israel has always been in the
8 forefront of humanitarian efforts, perhaps
9 because their existence has been so precarious
10 over the years. And whether it be the efforts
11 for the victims of the tsunami or the terrible
12 occurrence in Haiti in recent months, Israel
13 has always been in the leadership of
14 humanitarian efforts throughout the world.

15 And I'm very proud to stand here to
16 support the celebration of Israel's 62nd
17 anniversary. My husband has many, many family
18 members in Israel. Many of them are sabras;
19 they were born there. And it's very exciting,
20 I must say, to visit them in their homes and
21 to share their experiences.

22 So when Father Young talked about
23 George Washington and his inauguration, in a
24 sense, Israel experienced that same kind of
25 joyous occasion much more recently in 1948.

1 So thank you, Senator Klein, for
2 introducing this resolution.

3 ACTING PRESIDENT SAVINO: Senator
4 Diaz.

5 SENATOR DIAZ: Thank you, Madam
6 President.

7 Today I take this opportunity to
8 congratulate Senator Klein for this resolution
9 commemorating the 62nd anniversary of the
10 nation of Israel.

11 Madam President, the nation of
12 Israel, the people, the Jews throughout the
13 years have suffered, and their suffering
14 compares to no other nation or other people in
15 the world.

16 I have to tell you, Madam President
17 and ladies and gentlemen, that first we have
18 to start with the destruction of Jerusalem and
19 the Holy Temple in the year 70 by Titus, the
20 Roman general, who killed more than 1 million
21 Jews and took over 100,000 slaves.

22 After that, Madam President and
23 ladies and gentlemen, came the persecution of
24 Jews in Spain, France, and England. The Jews
25 were dispersed to Poland, Greece,

1 South America, and many other parts of the
2 world. In Spain they were persecuted and
3 killed like animals. The Christian kings, the
4 nobles, stole their possessions, money,
5 houses, and artworks. The Christian bishops
6 wrote books against the Jews, and others
7 killed them during daylight without
8 punishment.

9 Madam President, ladies and
10 gentlemen, the suffering of the Jews continued
11 during the Christian Crusades. In the year
12 1096, Godfrey of Bouillon swore that he would
13 kill every single Jew. In Worms, in Mayence,
14 in Regensburg, in Treves and in Prague, the
15 Jews were killed by thousands.

16 In the year 1215, leaders of the
17 church issued a decree to prohibit the Jews
18 from appearing or being seen in public without
19 the Jewish emblem in their clothes.

20 In the year 1290, 17,000 Jews were
21 expelled from England. In 1394, the Jews were
22 expelled from France. And in 1490, Spain
23 started the Inquisition that killed more than
24 200,000 Jews.

25 By 1881, after the death of

1 Alexander II, Madam President, the Jews in
2 Russia and in Romania started to be
3 persecuted. By that time, anti-Semitism
4 started to flourish. In Germany, a political
5 party was organized with the sole purpose of
6 taking away all social and political rights
7 from the Jews. Anti-Semitic newspapers began
8 to appear accusing the Jews of all kinds of
9 crimes.

10 Even though, Madam President and
11 ladies and gentlemen, the Jews were
12 persecuted, assassinated and expelled to other
13 countries, nothing can be compared to the
14 anti-Semitism of Adolf Hitler and Adolf
15 Eichmann. They killed more than 6 million
16 Jews.

17 But in those years of suffering by
18 the Jewish people, there have always been
19 great men and women who have been heroes and
20 heroines in the fight for the survival of the
21 Jewish people. Some of them are, for example:

22 In 1887, Theodor Herzl organized
23 the Zionism movement.

24 In 1917, the British chancellor,
25 Lord Alfred Balfour, proclaimed that the

1 British would support the establishment of a
2 Jewish state in Palestine. General Edmund
3 Allenby directed the British forces across the
4 Sinai desert to Palestine. David Ben-Gurion
5 was part of the Jewish battalion who aided and
6 assisted General Allenby in the liberation of
7 Palestine from England on December 9, 1917.

8 On November 27, 1947, the United
9 Nations issued a resolution creating the state
10 of Israel. And on May 14, 1948, David
11 Ben-Gurion, during a meeting, declared "The
12 establishment of a Jewish state will be called
13 the State of Israel."

14 We cannot forget the leadership and
15 contributions of individuals such as Golda
16 Meir, Yitzhak Shamir, Ariel Sharon, Yitzhak
17 Rabin, Shimon Perez, and many, many others.

18 Let me close by saying that today,
19 because of this resolution from Senator Klein,
20 we are joining hands together today. Today,
21 with this resolution celebrating the 62 years
22 of the State of Israel, we join hands, we
23 stand together, and we remember the words of
24 Menachem Begin: Never again, never again,
25 never again.

1 Thank you, Madam President.

2 ACTING PRESIDENT SAVINO: Senator
3 Adams.

4 SENATOR ADAMS: Thank you so
5 much, Madam President. I too want to rise and
6 show my support for this resolution.

7 I represent the Lubavitcher
8 community in the Crown Heights section of
9 Brooklyn, and I share the Borough Park area
10 with you as well as Senator Parker. So we do
11 understand the importance of this resolution
12 and the importance of the contribution of
13 those from the Israeli community.

14 And I think sometimes we get caught
15 up in just what Israel does in their part of
16 the globe. But in fact we need to look at
17 some of the great things that they have done
18 on a humanitarian level throughout the entire
19 globe. They were one of the first to respond
20 to Haiti during the tragic earthquake and set
21 up a hospital there.

22 And when you look throughout the
23 centuries of their existence, you'll see the
24 importance of Israel and how it has been a
25 friend to America and continues to be a

1 friend.

2 And I want to applaud Senator
3 Sampson for this resolution, and I think we
4 all should pause for a moment and look into
5 the history and the establishment of Israel
6 and how important it is for this country.

7 Thank you.

8 ACTING PRESIDENT SAVINO: Senator
9 Smith.

10 SENATOR SMITH: Thank you very
11 much, Madam President.

12 I wanted to rise to lend my voice
13 to my colleagues' and to congratulate Senator
14 Klein for bringing forth this resolution
15 today.

16 I had some young men from yeshivas
17 in my district who visited me today here in
18 the Capitol. Unfortunately, they had to leave
19 before we managed to bring the resolution
20 forward. But I did inform them that this
21 resolution was on the floor today, we are
22 celebrating the 62 years, these young men in
23 the eighth grade getting ready to go on to
24 high school.

25 And I talked to them also about the

1 history of Israel and talked to their teacher
2 about how important it was to know your past
3 in terms of where you're headed in the future.

4 So to Senator Klein, I want to
5 thank you because you made it a special day
6 for these young men who came to the Capitol
7 for the first time from the yeshiva in
8 Far Rockaway, Queens.

9 Senator Klein, you always bring
10 forward resolutions that are near and dear to
11 individuals, people's hearts. And I hope that
12 on this 62nd anniversary we will be able to
13 have a 63rd, a 64th, and a 65th, with you
14 bringing forth resolutions of such caliber.

15 Thank you very much.

16 ACTING PRESIDENT SAVINO: Senator
17 L. Krueger.

18 SENATOR LIZ KRUEGER: Thank you.
19 I too would like to rise to endorse this
20 resolution and to congratulate the great State
21 of Israel on its 62nd birthday.

22 I am ten years younger than the
23 birth of the nation of Israel but in fact feel
24 that my whole life has been an interconnection
25 with the history of the country and the

1 struggles it continues to go through.

2 Senator Diaz mentioned some great
3 leadership in the country of Israel over its
4 brief history. And what's particularly
5 personal for me is in fact my father has been
6 an advisor to each of those prime ministers of
7 Israel and continues to work on behalf of the
8 great State of Israel and the governments of
9 Israel. We recently counted up the number of
10 trips he has taken to Israel, and it's over
11 400 trips to Israel.

12 And when he wasn't there, many of
13 the leaders of the great country were in our
14 home and so I feel like I grew up with a very
15 intimate understanding of the struggles of the
16 Jewish people in the Middle East and
17 throughout the world.

18 And so as we every day in fact
19 struggle to understand the importance and the
20 delicacy of democracy in our own great country
21 and in our own great state, it is always
22 valuable to remember that struggles for
23 democracy and freedom and safety go on
24 throughout the world.

25 And today we are recognizing that

1 reality for our neighbor in the Middle East,
2 our fighter for democracy, and our friend the
3 people of the country of Israel.

4 Thank you, Madam President.

5 ACTING PRESIDENT SAVINO: Senator
6 Squadron.

7 SENATOR SQUADRON: Thank you,
8 Madam President.

9 And I too rise in support of this
10 resolution. I want to thank Senator Klein for
11 bringing it forward today.

12 Sixty-two years doesn't seem very
13 long. It's not very long in the life of most
14 nations. It is an extraordinary length of
15 time if you go back to 1948 and to the
16 founding of Israel.

17 I was there actually on my own
18 father's final trip of his many hundreds to
19 Israel just after their 50th anniversary, just
20 at the end of the last century. And that
21 seemed like quite an extraordinary
22 accomplishment, that Israel had made it half a
23 century.

24 As the time goes on and the
25 anniversaries add up, it is easy to forget why

1 Israel is so important, why its existence is
2 something that we have to reaffirm and
3 recognize on an annual basis and at all times.

4 It's so important not just for
5 American Jewry -- though it is -- and for Jews
6 around the world, it's an incredibly important
7 nation and relationship for our nation.

8 Because of its democratic traditions, because
9 of its strong and continued alliance and
10 friendship with this country, because of the
11 ways it has negotiated through such difficult
12 shoals, often on behalf of or with America its
13 right side. And that is so important.

14 It is worthy of commemoration both
15 because of the 62 years that have passed,
16 because of the hundreds of years that have
17 passed that Senator Diaz so eloquently
18 referenced.

19 And it is something that we must
20 never forget as the years add on, as the
21 memory of the Holocaust that did lead to the
22 moment when we were able to get the founding
23 of Israel in 1948, and the war for
24 independence -- as those memories fade, and
25 those who lived through them fade into the

1 past, it is critical that we remember the
2 unique, necessary role that Israel plays for
3 Jews around the world and for this our great
4 nation as well.

5 Thank you, Madam President.

6 ACTING PRESIDENT SAVINO: Senator
7 Andrea Stewart-Cousins.

8 SENATOR STEWART-COUSINS: Thank
9 you, Madam President.

10 I rise as well to congratulate
11 Israel and certainly to thank my colleague
12 Senator Klein for bringing this great
13 anniversary to our attention.

14 In 2005 I had the privilege of
15 visiting Israel as a part of Project
16 Interchange, which the American Jewish
17 Committee does to make sure that people
18 understand -- not to indoctrinate, not to sway
19 one in any particular way, but to allow people
20 to put their feet on that ground and
21 understand how much of culture, the religious
22 intersections, the progress and the intent of
23 the State of Israel means not only to the
24 Israelis but to all of us.

25 I learned so much. But mostly I

1 learned that the generosity and the humanity
2 that went on in Israel was something that we
3 could look at in many of our institutions.

4 I went to a place where people were
5 able, if they needed wheelchairs, to rent a
6 wheelchair for just the time you needed it and
7 bring it back.

8 If you needed some way to manage in
9 your home because of an injury, they had
10 people design that and allow you to do that
11 and then, if you paid something, it was fine.

12 If you were brilliant and had the
13 desire to study technology, you got to do that
14 without paying for your education.

15 There is much to learn, much to
16 share, but much, as we hear again and again,
17 to remember. And when we went to a number of
18 Holocaust remembrances and we heard of the
19 struggles that those survivors and those who
20 watched their parents and grandparents and
21 heard those stories of survival, it reminded
22 us how important it is to have a homeland, to
23 have that place where you do not fear ever
24 being driven out.

25 Israel certainly represents that.

1 And I think we're privileged to see this great
2 nation as it grows, as it shares, as it
3 reminds us of what could happen if we're not
4 careful.

5 And certainly I want to again lend
6 my voice to congratulating Israel for its
7 62 years.

8 ACTING PRESIDENT SAVINO: Senator
9 Schneiderman.

10 SENATOR SCHNEIDERMAN: Thank you,
11 Madam President.

12 Very briefly, I'm very pleased that
13 we're pausing a moment today to consider the
14 significance of Israeli Independence Day and
15 to mark the anniversary of Israeli
16 independence.

17 I think this is a tremendously
18 significant relationship for New York State.
19 Israel is a small country, but it's our third
20 largest trading partner. The cultural ties
21 and the personal ties to Israel in our
22 communities are extraordinary.

23 This is also obviously of great
24 importance to Jewish New Yorkers. And it's
25 important to know that after centuries of not

1 having a safe home that there is a nation in
2 which all Jews are welcome.

3 But finally I think for Americans I
4 think it's important to recognize this is the
5 62nd anniversary of another democracy born out
6 of a war of independence that has sustained --
7 if anything, expanded -- the diversity of
8 opinions and the pluralism that embodies
9 vibrant democracies. This is a nation that
10 serves as a model in many ways to the rest of
11 the world. It is a great ally of the United
12 States.

13 And it's with great pride that I
14 rise to support this resolution today, and I'm
15 grateful to all my colleagues for their
16 comments on it.

17 ACTING PRESIDENT SAVINO: Senator
18 Montgomery.

19 SENATOR MONTGOMERY: Thank you,
20 Madam President.

21 I rise to also thank my colleague
22 Senator Klein for introducing this resolution.

23 And I just -- in reading it, it
24 seems oh so little to say certainly about
25 Israel but especially about the Jewish people.

1 And I think that what we really
2 intend by this resolution is that we want to
3 honor this group of people and celebrate them
4 for the tremendous victory over the struggles
5 that they went through, the hate that they
6 overcame as a people, and the suffering.

7 And the Holocaust was only a small
8 but not insignificant part of it, but
9 certainly there was so much more that Jewish
10 people have gone through and come through and
11 overcome. And I think we celebrate that today
12 in acknowledging Israel as a state.

13 I just want to say also, Madam
14 President, that Israel is connected to all of
15 us, those of us who are Christians, those of
16 us who worship under Islam, as well as those
17 of us who are Jewish. It is the center of our
18 religions, and so we all own a piece of that
19 land through the fact that we -- certainly I,
20 as a Christian, all of the books of my Bible
21 are basically stories of people who were, like
22 Jesus himself, Jewish.

23 And so we're connected in a very,
24 very significant and important way. And
25 certainly we celebrate Israel and, in

1 celebrating Israel, we celebrate the people
2 that founded Israel but also we celebrate
3 ourselves and the way that we're connected to
4 it.

5 So thank you, Senator Klein, for
6 allowing us to have an opportunity to say
7 thank you to the Jewish people who represent
8 so much to us, our brothers and our sisters.

9 Thank you.

10 ACTING PRESIDENT SAVINO: Senator
11 Oppenheimer.

12 SENATOR OPPENHEIMER: Thank you.

13 While Senator Montgomery was
14 talking, I was brought back to thinking about
15 my first trip to Israel when I was 23 years
16 old. And I went with an observant Catholic,
17 and she and I were good friends. And it was
18 very, very enriching to go with someone with a
19 different but profound understanding of what
20 Jerusalem meant to her, and going up to the
21 Lake of Galilee. And, you know, we had
22 stories we could tell each other and it was
23 really exciting to be with someone of a
24 different faith.

25 But I just briefly want to

1 celebrate the anniversary and the
2 extraordinary democracy. I have been back to
3 Israel at least six or seven times since my
4 first foray at age 23. And what I find so
5 fascinating about the place is that they have
6 taken a country that really was largely
7 desert, and they have made the desert bloom.
8 And it is so rich now in so many wonderful
9 produce -- their flowers are shipped around
10 the world. Their wines are shipped around the
11 world. They have created such a vibrant
12 economy in this very live democracy that they
13 have.

14 And they are an inspiration. And,
15 you know, I think in that part of the world
16 this kind of inspiration should be lauded and
17 not put to the test that it is continually put
18 to by its neighbors who refuse to agree that
19 they have a right to exist.

20 And so I feel very strongly that
21 they're certainly our best ally in the
22 Middle East and, as a vibrant democracy and as
23 a continual, constant ally of the United
24 States, that we must always be there for them,
25 and in this case congratulate them on 62

1 amazing years.

2 Thank you.

3 ACTING PRESIDENT SAVINO: Senator
4 C. Kruger.

5 SENATOR CARL KRUGER: Thank you,
6 Madam President.

7 The resolution offered today by
8 Senator Klein and the remarks on the floor
9 further exemplify what Israel has meant to our
10 country, to our people, and to the world.

11 And as we take a reflective pause
12 and remember that yesterday was the
13 commemoration day of the Shoah, the Holocaust,
14 and that people around the world stopped for a
15 moment to reflect and to remember what that
16 Holocaust meant to a people, to a world, and
17 how we are taught time and time again the
18 words "Never to forget" -- well, if we were to
19 take a moment and look at the State of Israel,
20 to remember what they've achieved, to look at
21 the goals and aspirations, out of challenge
22 came the opportunity to build a Jewish
23 homeland.

24 Then, today, on its 62nd
25 anniversary, we say to the State of Israel a

1 special thank you for allowing us to be a
2 partner with them in the truest democracy in
3 the Middle East and, with a culture and a
4 tradition rich in heritage, that we will be
5 able to build not only the support of this
6 generation but generations that we will never
7 know, to say that one people, united.

8 I, representing one of the largest
9 Jewish communities of any Senator in this
10 state, both literally and figuratively, have
11 the opportunity every day to visit synagogues
12 throughout our communities, houses of worship,
13 youth centers, philanthropic organizations, a
14 whole nucleus that has been built around so
15 many of the survivors that chose to make
16 southern Brooklyn their home after coming to
17 this country and, at the same time, building a
18 network of support that through the years,
19 although their numbers dwindle, we look
20 towards the youth and the future generations
21 to be the true nucleus for renewed effort to
22 make sure that we follow that very, very tenet
23 of never, never to forget.

24 Thank you.

25 ACTING PRESIDENT SAVINO: Senator

1 C. Johnson.

2 SENATOR CRAIG JOHNSON: Thank you
3 very much, Madam President.

4 I also rise to add my voice and
5 congratulations to the State of Israel on its
6 62nd anniversary. I want to thank my friend
7 the Deputy Majority Leader, Senator Klein, for
8 sponsoring this resolution.

9 And I think it's important, as we
10 spend this time to reflect on the
11 accomplishments of the State of Israel in its
12 infancy period, and reflect upon the
13 relationship, the strength of this state's
14 relationship with the nation of Israel, we
15 also need to take the time to do our best to
16 ensure that the State of Israel remains that
17 free democratic country that this country
18 helped find.

19 And today, ladies and gentlemen,
20 Senators of this great body, we have to do
21 more. It is facing one of the greatest
22 threats to its livelihood with the State of
23 Iran right nearby, a nation that has made very
24 clear that it wants to wipe the State of
25 Israel off the face of the map and it will do

1 anything and everything in its power to obtain
2 the nuclear weapons or the biological weapons
3 or the chemical weapons to attack and destroy
4 Israel.

5 We as a state have the ability to
6 help the State of Israel prevent that. We can
7 do that by working, as Senator Klein and I
8 have been doing, to prevent any of our pension
9 funds to be invested in any foreign company
10 that does business with Iran. We can do that
11 by requiring any company that does business
12 with the State of New York to disclose whether
13 or not it has any ties to Iran, a foreign or
14 domestic subsidiary.

15 We can also do that by starting to
16 educate our young people. Because today on
17 our college campuses in the State of New York
18 there is a massive propaganda effort aimed at
19 attacking the State of Israel. Go on college
20 campuses today and under the guise of free
21 speech, students question the right of the
22 State of Israel's existence. They attack the
23 State of Israel.

24 We have to do more to educate our
25 young people today. We must do more to

1 educate our young people today. That is why
2 it is so important for this body to honor the
3 State of Israel with one voice.

4 So I add my name to that voice. I
5 thank you, Senator Klein. I'll be voting yes.
6 Thank you very much.

7 ACTING PRESIDENT SAVINO: Senator
8 Larkin.

9 SENATOR LARKIN: Thank you, Madam
10 President.

11 I look around this room, and I
12 think of 62 years. And I think George Onorato
13 and I were the only ones that were alive, well
14 and kicking when this started in 1948.

15 In 1948, I was a young candidate at
16 officer candidate school, and we heard the
17 news reports of what was going on. And we
18 visited with some people who were at the
19 ground general school, and they talked about
20 people that they had known as freedom fighters
21 and whatnot.

22 But you know, there was a greater
23 point. We always talk in this country of ours
24 about how much we do for Israel. Well, let me
25 just tell you, they do a hell of a lot for us.

1 In 1965, as a member of the armed
2 forces stationed in the Pentagon, one of our
3 major issues was a gatling gun that we had
4 sent to help our armed forces and the South
5 Vietnamese. The gatling gun would continually
6 rub wrong, rub wrong, rub wrong, rub wrong.
7 Nobody knew how to fix it.

8 GE, in Vermont, went to Israel and
9 picked up some defense contractors and some
10 infantry soldiers. They want to Vietnam.
11 Three days in Vietnam, the gatling gun was
12 running great.

13 I never saw anything in the paper
14 about it. We issued a big, big press release,
15 you know, but nobody picked it up. The story
16 was, you know, BS. It was no BS. It probably
17 saved a lot of American lives.

18 You know, and I get amazed when I
19 read -- maybe I'm too much of a hawk, but when
20 I see what Israelites are doing for their
21 people. And in my district I have a lot of
22 people that have gone over there for a year or
23 two years. And I've had an opportunity to go.
24 But we have a Congressman, former Congressman,
25 Ben Gilman, who John Bonacic knows, and every

1 time he'd get ready to give us a trip, there'd
2 be a little uprising up there.

3 But you know, Israel has never
4 forgotten why it was formed, why it was
5 founded and what its mission for its people
6 was then and is now and forever will be. The
7 Israelites, the Israeli people are a great
8 friend of New York. They're a great friend of
9 our nation.

10 And when I see people trying to
11 knock them down -- don't let them do this,
12 don't let them do that -- I wonder where our
13 federal government's been. Maybe they've been
14 asleep at the switch.

15 Let's hope New York doesn't fall
16 asleep at the switch, because Israel has been
17 a true partner to this state and this nation.

18 ACTING PRESIDENT SAVINO: Senator
19 Marcellino.

20 SENATOR MARCELLINO: Thank you,
21 Madam President, for recognizing me.

22 I stand up with pride to offer my
23 congratulations to the State of Israel for its
24 62nd birthday. And, Senator Larkin, I was six
25 years old at that point in time.

1 SENATOR LARKIN: I didn't know
2 you were that old.

3 SENATOR MARCELLINO: And as the
4 Senator just said, he didn't realize I was
5 that old.

6 But I've been to Israel on a number
7 of occasions. I've seen the country, I've
8 seen the conditions under which they live.
9 And you can only be amazed at the energy, at
10 the vibrancy of the people of the country.
11 This is a country that's surrounded on all
12 sides by enemies, sworn enemies that want to
13 destroy it.

14 And let's remember -- it's been
15 said here before, but it bears repeating --
16 the Israelis are our and always have been our
17 single best friend, most loyal, best friend in
18 the Middle East. We rely upon them for an
19 awful lot. And they rely upon us, there's no
20 doubt about that. But it is a mutual exchange
21 agreement. We get as good as we give from
22 that state, and we need them there.

23 They are our best friends. They
24 support us and have never let us down over
25 there. And we in this country should never

1 allow them to be harmed in any way, shape or
2 form.

3 Senator Craig Johnson was correct;
4 there is a certain amount of revisionist
5 history out there. People are trying to
6 rewrite history.

7 To hear the alleged president of
8 the State of Iran stand at the U.N. and doubt,
9 and doubt the fact that the Holocaust ever
10 occurred -- and the fact that no one but a few
11 delegations actually got up and walked out.
12 Everyone in that chamber, when he said that
13 nonsense, should have gotten up and left.
14 Because it's a blatant lie, and everybody in
15 the world knows it. To stand there and deny
16 it is ridiculous.

17 If you go to the Middle East and
18 you see maps produced by the Palestinians, the
19 State of Israel doesn't even exist. They
20 don't acknowledge the existence of the state.
21 It's not even on their maps. That's an
22 outrage. That's an outrage. That has to be
23 addressed and cannot be forgotten.

24 And this country can never permit
25 anything to happen to that state. We want and

1 we should always be known as the country that
2 stands with its friends. Israel has been a
3 good friend to the United States, and we
4 should continue to be a good friend to the
5 State of Israel.

6 They're alive for 62 years. Long
7 may they live. Long may that state survive.
8 And long may this country be its constant
9 friend and ally.

10 Thank you, Madam President.

11 ACTING PRESIDENT SAVINO: Are
12 there any other Senators who wish to be heard
13 on this resolution?

14 Seeing none, the question is on the
15 resolution. All those in favor signify by
16 saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT SAVINO:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT SAVINO: The
22 resolution is adopted.

23 Senator Klein has indicated that he
24 would like to open up this resolution to the
25 entire house. Any member not wishing to be

1 listed as a cosponsor please notify the desk.

2 Senator Klein.

3 SENATOR KLEIN: Madam President,
4 I believe Senator Parker has a resolution at
5 the desk. I ask that the resolution be read
6 in its entirety and move for its immediate
7 adoption.

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

12 SENATOR KLEIN: Yes, it has,
13 Madam President.

14 ACTING PRESIDENT SAVINO: The
15 Secretary will read.

16 THE SECRETARY: By Senator
17 Parker, legislative resolution mourning the
18 death of civil rights icon Dr. Benjamin L.
19 Hooks, executive director and CEO emeritus of
20 the NAACP.

21 "WHEREAS, It is with great sorrow
22 and deep regret that this Legislative Body
23 records the passing of Dr. Benjamin L. Hooks,
24 noting the significance of his purposeful life
25 and accomplishments; and

1 "WHEREAS, On Thursday, April 15,
2 2010, Benjamin L. Hooks, a champion of
3 minorities and the poor, and the former
4 executive director of the NAACP, died at the
5 age of 85, following a long illness; and

6 "WHEREAS, For over 50 years, the
7 Reverend Benjamin Hooks served as pastor of
8 the Greater New Mt. Moriah Missionary Baptist
9 Church in Detroit, Michigan, and the Middle
10 Baptist Church in Memphis, Tennessee; and

11 "WHEREAS, In addition to graduating
12 with a law degree from DePaul University in
13 Chicago, when no law school in the South would
14 admit him, Benjamin Hooks was appointed in
15 1965 to the Tennessee Criminal Court, making
16 him the first black judge since Reconstruction
17 in a state trial court anywhere in the South.
18 In 1972, he was appointed by President Richard
19 M. Nixon as the first black commissioner of
20 the Federal Communications Commission, where
21 he served for five years prior to becoming
22 executive director of the NAACP; and

23 "WHEREAS, In 2007, Dr. Benjamin
24 Hooks was awarded the Presidential Medal of
25 Freedom, the nation's highest civilian honor.

1 When presenting the Medal of Freedom,
2 President George W. Bush said, 'The nation
3 best remembers Benjamin Hooks as the leader of
4 the NAACP'; and

5 "WHEREAS, Dr. Benjamin Hooks became
6 executive director of the NAACP in 1977, when
7 the organization had diminished to 200,000
8 members from nearly half a million in the
9 1950s and 1960s; and

10 "WHEREAS, Soon after his induction
11 as director, Dr. Hooks said, 'Black Americans
12 are not defeated ... The civil rights
13 movement is not dead. If anyone thinks that
14 we are going to stop agitating, they had
15 better think again. If anyone thinks that we
16 are going to stop litigating, they had better
17 close the courts. If anyone thinks that we
18 are not going to demonstrate and protest, they
19 had better roll up the sidewalks'; and

20 "WHEREAS, During Dr. Benjamin
21 Hooks' 15-year tenure, the NAACP membership
22 grew by several hundred thousand; and

23 "WHEREAS, Julian Bond, chairman
24 emeritus of the NAACP, praised Dr. Hooks by
25 saying, 'Benjamin Hooks has had a stellar

1 career -- civil rights advocate and leader,
2 businessman, public servant -- there are few
3 who are his equal'; and

4 "WHEREAS, Armed with a humanistic
5 spirit, imbued with a sense of compassion, and
6 comforted by a loving family, Dr. Benjamin
7 Hooks leaves behind a legacy which will long
8 endure the passage of time and will remain as
9 a comforting memory to all he served and
10 befriended; now, therefore, be it

11 "RESOLVED, That this Legislative
12 Body pause in its deliberations to remember
13 Benjamin Hooks as executive director and CEO
14 emeritus of the NAACP, Presidential Medal of
15 Freedom recipient, pastor, public servant and
16 tireless champion of equality and civil
17 rights; and be it further

18 "RESOLVED, That copies of this
19 resolution, suitably engrossed, be transmitted
20 to the family of Benjamin L. Hooks and to
21 Benjamin Todd Jealous, executive director of
22 the NAACP."

23 ACTING PRESIDENT SAVINO: Senator
24 Parker.

25 SENATOR PARKER: Thank you, Madam

1 President. On the resolution.

2 There is not nearly enough time
3 that would allow me to really articulate how
4 important Dr. Benjamin L. Hooks is to not just
5 the history and the lives of African-Americans
6 in this country but really to Americans of all
7 ethnic persuasions, race, gender or sexual
8 orientation.

9 He was a multidisciplinary genius.
10 As you heard from the resolution, he was a
11 pastor, he was a scholar, he was an attorney,
12 he was a civil rights activist, he was a
13 businessman. But all through that, he was
14 really a humanist. He was somebody who
15 believed very much that people really were
16 given inalienable rights, and in fact here in
17 this country was really the perfect place to
18 make sure that those rights were expressed in
19 every area of our lives.

20 There was a significant downturn in
21 involvement in civil rights organizations
22 right after 1955 when we had Brown v. Board of
23 Education, in part because many people thought
24 that that was really at that point the
25 crowning achievement. We take, you know, the

1 idea of integrated schools as kind of, yeah,
2 we have integrated schools, so what. But at
3 the time, that was really a breakthrough.
4 That was in some ways, in the way that we very
5 much look at the election of President Barack
6 Obama as the first African-American elected
7 president, and that being such a milestone in
8 our history, that was the election of Barack
9 Obama in 1955.

10 To have him come along, you know,
11 12 years later to take the helm of the NAACP
12 and then turn it around -- because there have
13 been so few people engaged in that process --
14 simultaneously to the idea of separate but
15 equal being thrown out of the courts, you also
16 actually, believe it or not, had a rise in the
17 Klan.

18 And we'll have another lecture
19 later on about how that's parallel to what
20 we're seeing now vis-a-vis the Tea Party. But
21 that's, like I say, a lecture for another day.

22 But those two dynamics, that
23 push/pull dynamic is what actually lowered the
24 numbers at the NAACP. And so his statements,
25 as you heard again in the resolution,

1 vis-a-vis the commitment to nonviolent
2 struggle against oppression and discrimination
3 and racism in this country, was really
4 pivotal.

5 And there's not enough can be said
6 about how he turned the NAACP around and how
7 he made, you know, the National Association
8 for the Advancement of Colored People really
9 the premier civil rights organization. And it
10 was really during his period, Dr. Hooks'
11 period, that not only did people get engaged,
12 but really the things that we understand the
13 NAACP to be about was really established then.
14 Because really before Brown v. Board of Ed,
15 that was really the first major case they won.
16 All of the other subsequent cases were
17 actually won under Benjamin Hooks.

18 And so we remember his life, we
19 thank him for his legacy, and I take this
20 moment to recommit myself to his work and his
21 life and his legacy.

22 Thank you.

23 ACTING PRESIDENT SAVINO: Senator
24 Smith.

25 SENATOR SMITH: Thank you very

1 much, Madam President.

2 I rise to congratulate Senator
3 Parker on this particular resolution.

4 There are many people throughout
5 our lives that we can say or point to in terms
6 of the impact they've had on who you are or
7 what you've become. I am a product of the
8 NAACP school, if you will. I was actually a
9 chair of the NAACP Youth Council in Jamaica,
10 Queens, and I was there for quite some time
11 and then later on became the advisor to young
12 people in the NAACP.

13 And I guess what was a little
14 disturbing to me was some of them didn't know
15 whoa Ben Hooks was. At that time they had no
16 idea who Ben Hooks was. And so his passing
17 away I hope will bring to light so many things
18 that he accomplished, as Senator Parker
19 indicated.

20 I believe he died a very happy man.
21 I believe for him to be able to live during
22 the time when you saw the first
23 African-American president in these United
24 States probably allowed his soul, his spirit,
25 to rest because of all that he had fought for

1 for so long.

2 On the same day that we talk about
3 celebrating the 62nd anniversary of Israel,
4 where so many people's lives was impacted by a
5 very difficult situation called the Holocaust,
6 you have a Ben Hooks who passed away in the
7 same time frame who so many people's lives
8 have been impacted by his actual involvement
9 with the NAACP.

10 This is actually a time to
11 celebrate Dr. Ben Hooks. Yes, the passing and
12 the separation that one feels from someone who
13 has led such a fight is difficult at times.
14 But I would ask everybody to celebrate Dr. Ben
15 Hooks, all that he accomplished. Because
16 that's why you see a Kevin Parker sitting
17 there, that's why you see an Eric Adams
18 sitting there, and that's why you see a
19 Velmanette Montgomery sitting here, and
20 myself, because of individuals like Benjamin
21 Hooks, who gave up his life literally for
22 individuals such as ourselves to be here.

23 We can only celebrate his life and
24 thank him for what he has done and hope that
25 each one of us can have some impact in

1 history, on history, the way he has done.

2 So Kevin Parker, I thank you for
3 bringing this resolution forward. This is a
4 great day for African-Americans and people of
5 minority descent. Because what Dr. Ben Hooks
6 accomplished, clearly he's accomplished
7 something that I only hope that we can
8 accomplish in the short time that we're on
9 this planet as well.

10 Thank you, and God bless you for
11 this.

12 ACTING PRESIDENT SAVINO: Senator
13 Hassell-Thompson.

14 SENATOR HASSELL-THOMPSON: Thank
15 you, Madam President.

16 I too rise to add my thanks to
17 Senator Parker, not only for bringing this
18 resolution but also giving us an opportunity
19 to glimpse further than the resume that is
20 presented an extraordinary man.

21 Many think of the NAACP as just for
22 colored people or people of color. But
23 actually during his administration he brought
24 more whites back to the NAACP since the time
25 of many of the marches throughout the South.

1 He brought together right-thinking people who
2 believe in justice. And so that through the
3 efforts and through all of the talents and the
4 skills, he encouraged people to stand up, to
5 be a stand-up guy, and to ensure that we
6 protest.

7 And sometimes I ask the question
8 "Where are the protesters," as many of the
9 things that he fought for so hard seem to be
10 rolling back.

11 Thank you, Senator Parker, for this
12 resolution. And I thank Benjamin Hooks for
13 the life that he led and the leadership that
14 he provided.

15 ACTING PRESIDENT SAVINO: Are
16 there any other Senators wishing to be heard
17 on the resolution?

18 Senator Diaz.

19 SENATOR DIAZ: Yes, I also would
20 like to join my colleagues in congratulating
21 Senator Parker for this resolution.

22 As we heard when the resolution was
23 read, Dr. Benjamin Hooks was awarded the
24 Presidential Medal of Freedom by President
25 George Bush. That's the highest civilian

1 honor presented to any civilian. And we also
2 heard that Benjamin Hooks was the executive
3 director of the NAACP. We heard that he was a
4 scholar, a lawyer, a jurist, and that he was a
5 great citizen.

6 But we also heard that he was a
7 reverend, a minister, a pastor of the Greater
8 New Mt. Moriah Missionary Baptist Church in
9 Detroit, and the Middle Baptist Church in
10 Memphis, Tennessee. Like Dr. Martin Luther
11 King, he was a servant of the people. He was
12 dedicated to the community and to the people.

13 And the Bible says, to people like
14 that, the Bible says that when a person like
15 that dies, there is an order given in heaven
16 and they send the angel to get the soul of
17 that person. And a voice comes down and says:
18 "Come up, come up, you faithful servant, you
19 good and faithful servant. Because you were
20 faithful in the little things, because you
21 were faithful in the small things, come and
22 inherit the kingdom of heaven."

23 Words like that, I'm proud to say
24 that as a minister I know that Dr. Benjamin
25 Hooks is in a better place, in a better place

1 joined by saints and joined by great people.

2 See, there is a place here in
3 Cooperstown, New York, they call it the Hall
4 of Fame, and all the great baseball players,
5 they're there. And their name is there.

6 But to people like Benjamin Hooks,
7 there is a greater hall of fame in heaven.
8 Because he did good, because he was a good and
9 faithful servant. And I'm honored, I'm
10 honored and happy that he was a minister too,
11 a pastor.

12 So, Madam President, ladies and
13 gentlemen, Senator Parker, thank you for
14 presenting this resolution to a faithful and
15 good servant, Benjamin Hooks.

16 Thank you.

17 ACTING PRESIDENT SAVINO: Thank
18 you.

19 Are there any other Senators
20 wishing to be heard on the resolution?

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

24 (Response of "Aye.")

25 ACTING PRESIDENT SAVINO:

1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT SAVINO: The
4 resolution is adopted.

5 Senator Parker has indicated that
6 this resolution is open up to cosponsorship by
7 the entire house. Any Senator not wishing to
8 be on the resolution please notify the desk.

9 Senator Klein.

10 SENATOR KLEIN: Madam President,
11 there will be an immediate meeting of the
12 Finance Committee, followed by a meeting of
13 the Rules Committee in the Majority Conference
14 Room, 332.

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

17 ACTING PRESIDENT SAVINO: There
18 will be an immediate meeting of the Finance
19 Committee, followed by an immediate meeting of
20 the Rules Committee in Room 332.

21 Pending the return of the Rules
22 Committee, the Senate will stand at ease.

23 (Whereupon, the Senate stood at
24 ease at 5:22 p.m.)

25 (Whereupon, the Senate reconvened

1 at 6:03 p.m.)

2 ACTING PRESIDENT SAVINO: Senator
3 Klein.

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

8 ACTING PRESIDENT SAVINO: There
9 is a report of the Rules Committee at the
10 desk.

11 The Secretary will read.

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

15 Senate Print 7529, by the Senate
16 Committee on Rules, an act making
17 appropriations for the support of government.

18 ACTING PRESIDENT SAVINO: All
19 those in favor of adopting the Rules Committee
20 report please signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT SAVINO:
23 Opposed, nay.

24 (No response.)

25 ACTING PRESIDENT SAVINO: The

1 Rules Committee report is adopted.

2 Senator Klein.

3 SENATOR KLEIN: Madam President,
4 at this time can we please go to a reading of
5 the calendar.

6 ACTING PRESIDENT SAVINO: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 50, by Senator C. Kruger, Senate Print 3368,
10 an act to amend the Executive Law and the
11 General Municipal Law.

12 ACTING PRESIDENT SAVINO: Read
13 the last section.

14 THE SECRETARY: Section 4. This
15 act --

16 SENATOR LIBOUS: Lay it aside.

17 ACTING PRESIDENT SAVINO: The
18 bill is laid aside.

19 THE SECRETARY: Calendar Number
20 132, by Member of the Assembly Schimminger,
21 Assembly Print Number 7395, an act to amend
22 the Civil Practice Law and Rules.

23 ACTING PRESIDENT SAVINO: Read
24 the last section.

25 THE SECRETARY: Section 2.

1 This --

2 SENATOR KLEIN: Lay the bill
3 aside for the day.

4 ACTING PRESIDENT SAVINO: The
5 bill is laid aside for the day.

6 THE SECRETARY: Calendar Number
7 154, by Senator Sampson, Senate Print --

8 SENATOR KLEIN: Lay the bill
9 aside for the day.

10 ACTING PRESIDENT SAVINO: The
11 bill is laid aside for the day.

12 THE SECRETARY: Calendar Number
13 254, by Member of the Assembly Latimer,
14 Assembly Print Number --

15 SENATOR KLEIN: Lay the bill
16 aside for the day.

17 ACTING PRESIDENT SAVINO: The
18 bill is laid aside for the day.

19 THE SECRETARY: Calendar Number
20 273, by Member of the Assembly Titus, Assembly
21 Print Number 5497, an act to commission a
22 study.

23 ACTING PRESIDENT SAVINO: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT SAVINO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Those recorded in
6 the negative on Calendar Number 273 are
7 Senators Ranzenhofer, Skelos and Winner. Also
8 Senator Saland.

9 Ayes, 56. Nays, 4.

10 ACTING PRESIDENT SAVINO: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 327, by Senator Volker, Senate Print 2405, an
14 act to amend the Criminal Procedure Law.

15 ACTING PRESIDENT SAVINO: Read
16 the last section.

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

19 ACTING PRESIDENT SAVINO: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT SAVINO: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 329, by Senator Huntley --

2 SENATOR KLEIN: Lay the bill
3 aside for the day, please.

4 ACTING PRESIDENT SAVINO: The
5 bill is laid aside for the day.

6 THE SECRETARY: Calendar Number
7 342, by Senator Flanagan, Senate Print --

8 SENATOR FLANAGAN: Lay it aside.

9 SENATOR LIBOUS: Lay it aside for
10 the day.

11 ACTING PRESIDENT SAVINO: The
12 bill is laid aside for the day.

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

15 SENATOR KLEIN: Madam President,
16 at this time can we please go to a reading of
17 the controversial calendar.

18 ACTING PRESIDENT SAVINO: The
19 Secretary will ring the bell. Members are all
20 asked to come to the chamber for the reading
21 of the controversial calendar.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 50, by Senator C. Kruger, Senate Print 3368,
25 an act to amend the Executive Law and the

1 General Municipal Law.

2 SENATOR MARCELLINO: Explanation.

3 ACTING PRESIDENT SAVINO: Senator
4 Kruger, an explanation has been requested.

5 SENATOR CARL KRUGER: Thank you,
6 Madam President.

7 The bill, in principle, is
8 relatively a simple one. After the events of
9 9/11 it became clear to everyone that a
10 coordinated effort for an emergency response
11 required that we have a clear understanding of
12 the equipment and facilities that were
13 available by all emergency responders across
14 the state.

15 What this bill would do would
16 codify a regulation that would require that
17 there be adequate recordkeeping kept of all
18 available resources that could be put into
19 place during a state of an emergency by the
20 various first responders.

21 ACTING PRESIDENT SAVINO: Senator
22 Marcellino.

23 SENATOR MARCELLINO: Madam
24 President, will Senator Kruger yield for a
25 question?

1 ACTING PRESIDENT SAVINO: Senator
2 Kruger --

3 SENATOR CARL KRUGER: Yes, I do,
4 Senator.

5 SENATOR MARCELLINO: Senator,
6 what particular information, what specific
7 information are you trying to get from these
8 volunteer districts that isn't already there?

9 SENATOR CARL KRUGER: Well,
10 again, when we want to talk about -- the
11 events of 9/11 showed graphically that the use
12 and the availability of volunteer forces as an
13 augment to the first responders was a critical
14 component of the response network.

15 What this bill would do would cause
16 there to be a listing of the apparatus that
17 would be available, the type of specialized
18 services that the volunteer unit might be able
19 to provide, an approximate amount of manpower
20 that they may be able to augment the regular
21 first responders, and the generalized
22 components of whatever their first-response
23 operation would be.

24 SENATOR MARCELLINO: Through you,
25 Madam President, would the Senator continue to

1 yield?

2 ACTING PRESIDENT SAVINO: Senator
3 Kruger --

4 SENATOR CARL KRUGER: Yes, I do,
5 Madam President.

6 ACTING PRESIDENT SAVINO: Senator
7 Kruger yields.

8 SENATOR MARCELLINO: The
9 information that you're asking for, is it not
10 already supplied by the departments to the
11 counties in which they exist?

12 SENATOR CARL KRUGER: No, not
13 necessarily. It's an ad hoc situation at
14 best. There is nothing that's structured.
15 And there's nothing that would be real-time
16 that could be called upon if we were trying to
17 augment and sort of galvanize all of our
18 first-response operations.

19 SENATOR MARCELLINO: If the
20 Senator will continue to yield.

21 ACTING PRESIDENT SAVINO: Senator
22 Kruger --

23 SENATOR CARL KRUGER: Yes, I do,
24 Madam President.

25 ACTING PRESIDENT SAVINO: Senator

1 Kruger continues to yield.

2 SENATOR MARCELLINO: According to
3 what I read, this bill would move the Office
4 of Fire Prevention and Control from a
5 supportive training function to a regulatory
6 function. Is that true?

7 SENATOR CARL KRUGER: No, it
8 wouldn't. No, it wouldn't under any
9 circumstance. It still remains supportive,
10 still remains voluntary in its nature. But
11 all this does is create a mechanism for audit
12 and accounting of available response equipment
13 and personnel and services.

14 SENATOR MARCELLINO: Thank you,
15 Senator Kruger. I appreciate your comment.

16 SENATOR CARL KRUGER: Thank you.

17 ACTING PRESIDENT SAVINO: Are
18 there any other Senators wishing to be heard?

19 Senator Volker.

20 SENATOR VOLKER: Madam President,
21 my fire companies are upset over this bill
22 because they claim all this information must
23 now be submitted to county homeland security
24 people.

25 That is, a couple of years after

1 9/11 there was an agreement put together --
2 and I know it wasn't just Erie County, it was
3 in the whole of Western New York -- that said
4 that all the equipment and all the trucks and
5 all the various things that were in the
6 entities of the fire companies had to be
7 listed and submitted to each county.

8 And the fire chief that I spoke to
9 said, Well, the problem that they have is that
10 all the homeland security people have to do is
11 contact the local counties, and I think -- I
12 believe also the City of Buffalo, because I
13 think the City of Buffalo has its own log of
14 exactly what equipment they have.

15 And it was especially important
16 because the locals had to report to the
17 national Homeland Security people, because
18 that report was used when they were -- at the
19 time, they had money -- they were distributing
20 trailers and various equipment to the various
21 counties and cities and to the towns, because
22 the towns had submitted their information to
23 the counties and then the counties would
24 report to the federal government.

25 So I guess my problem with this,

1 Carl, is that it almost sounds to me as if
2 what the state seems to be doing here -- maybe
3 they're not getting these reports from the
4 federal government. And if they're not, then
5 it seems to me that the simple way to do it
6 would be to have the locals submit their
7 reports to the State of New York.

8 Could I put that in the form of a
9 question?

10 ACTING PRESIDENT SAVINO: Senator
11 Volker, are you asking Senator Kruger to
12 yield?

13 SENATOR VOLKER: I'm asking the
14 Senator a question, yes.

15 ACTING PRESIDENT SAVINO: Senator
16 Kruger, do you yield?

17 SENATOR CARL KRUGER: Yes, I do,
18 Madam President.

19 Senator Volker, I lost the question
20 somewhere in the response. But I guess the
21 simplest answer is that what we're trying to
22 do is just to create a scenario where if there
23 are two adjacent towns, one has a hazmat unit,
24 one has a special equipment unit, and one
25 should not be duplicating the other, or both

1 units are required in the third town -- we
2 have some organized discipline in how we're
3 allocating our resources.

4 And if it is already being given on
5 the national level, then you know what, I
6 guess that the folks back home would be better
7 served if we did it on the local level.

8 So consequently by doing this, by
9 creating a one-stop shopping center across the
10 state of all volunteer resources, we go a long
11 ways towards institutionalizing a process for,
12 God forbid, a repeat of a 9/11 kind of a
13 response.

14 SENATOR VOLKER: Thank you.

15 SENATOR CARL KRUGER: Thank you.

16 Thank you.

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

20 Hearing none, the debate is closed.
21 The Secretary will please ring the bells.

22 Read the last section.

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

25 ACTING PRESIDENT SAVINO: Call

1 the roll.

2 (The Secretary called the roll.)

3 SENATOR PADAVAN: I'd like to
4 explain my vote, if I may.

5 ACTING PRESIDENT SAVINO: Senator
6 Padavan, to explain his vote.

7 SENATOR PADAVAN: Thank you very
8 much, Madam President.

9 Within the City of New York we have
10 an entity called OEM, the Office of Emergency
11 Management. That entity has within its grasp
12 every piece of information you could
13 conceivably want about what is available from
14 first responders throughout -- not only in
15 New York City, but the surrounding region. It
16 knows the ambulance corps, the volunteer
17 ambulance corps, what they have available. It
18 has under its direct supervision CERTs,
19 Community Emergency Response Teams. These are
20 volunteers in various parts of the area,
21 various parts of the city. It knows exactly
22 how many they are, who they are, the equipment
23 they have, and their capabilities.

24 This legislation is of absolutely
25 no value to this awesome entity that we have

1 down there, which was relocated recently,
2 totally upgraded in terms of communications
3 and all kinds of assets.

4 So I would suggest to the sponsor
5 that while I assume his motivation is
6 appropriate, that the need for this bill
7 simply does not exist.

8 ACTING PRESIDENT SAVINO: Senator
9 Craig Johnson, to explain his vote.

10 SENATOR CRAIG JOHNSON: Thank you
11 very much, Madam President. I'm voting in the
12 affirmative on this.

13 Senator Marcellino, in asking his
14 questions, wondered and asked if the counties
15 already require this from its volunteer fire
16 departments. In Nassau County, every fire
17 department, emergency management system,
18 ambulance are required already to provide this
19 information to the Nassau County Fire
20 Commission.

21 The Nassau County Fire Commission
22 unanimously voted to support this Senate bill,
23 stating specifically that the benefits of a
24 complete and comprehensive inventory of the
25 New York State fire service assets will be

1 worth the effort.

2 If our men and women who put their
3 lives on the line, who understand the needs
4 and have the experience and expertise, say
5 this is a good bill, then it's a good bill.
6 I'll be voting yes.

7 Thank you very much.

8 ACTING PRESIDENT SAVINO: Senator
9 Craig Johnson will be recorded in the
10 affirmative.

11 Senator DeFrancisco, to explain his
12 vote.

13 SENATOR DeFRANCISCO: To get an
14 upstate perspective, this information is
15 available to the counties in upstate, and the
16 fire departments are shorthanded as it is. I
17 think every fire department, volunteer fire
18 corps throughout the state is having trouble
19 getting membership.

20 We don't need to burden them
21 providing information that's already provided.
22 This is almost like the Department of
23 Education requiring needless forms that repeat
24 various things and take time out of the
25 classroom.

1 So this, in my judgment, since the
2 information is already available, is just
3 depleting resources that could be otherwise
4 used for the job which the volunteer firemen
5 so admirably do. So I vote no.

6 ACTING PRESIDENT SAVINO: Senator
7 DeFrancisco will be recorded in the negative.

8 Senator Owen Johnson, to explain
9 his vote, followed by Senator Saland.

10 SENATOR OWEN JOHNSON: Thank you.
11 I'd like to explain my vote.

12 The county departments have a
13 dispatch system between each department, and
14 they can call on neighboring departments
15 through that dispatch system.

16 We also -- the other situation is
17 this, that these are volunteer fire
18 departments, at least in my county, and they
19 don't have any paid employees to do any
20 paperwork, and they don't need any extra
21 paperwork, they do their job very well.

22 And if the Fire Prevention and
23 Control Office wants to improve state fire
24 mobilization, a mutual aid plan required by
25 Section 209E -- I'm reading the memo; is very

1 enlightening. It should simply reach out to
2 the county level, where mutual aid is already
3 coordinated, and leave the local fire
4 departments to focus on training and response,
5 not paperwork.

6 Thank you. I vote no.

7 ACTING PRESIDENT SAVINO: Senator
8 O. Johnson to be recorded in the negative.

9 Senator Saland, to explain his
10 vote.

11 SENATOR SALAND: Thank you, Madam
12 President.

13 Madam President, I represent two
14 counties, one in whole, one in part. They
15 each have fire coordinators, which I would
16 assume would be true of virtually every --
17 certainly every county, so-called upstate or
18 in the mid-Hudson Valley. And each and every
19 one has provisions for mutual aid. One of my
20 counties doesn't have a paid fireman,
21 everything is volunteer. The other is
22 substantially volunteer, with some paid.

23 They have a difficult enough time
24 recruiting people. Their ranks are thinning,
25 they are getting older. The imposition of yet

1 an additional paperwork requirement on these
2 all-volunteer organizations or substantially
3 volunteer organizations really compounds their
4 woes.

5 The fire coordinator has this
6 information at his or her fingertips, can get
7 it as is necessary to serve their mutual aid
8 function. And I'm not quite sure what this
9 accomplishes other than to create yet another
10 evolution or devolution from locals up to
11 Albany.

12 And I certainly can't support this
13 yet additional burden put on my already
14 strained local volunteer fire companies.
15 Thank you.

16 ACTING PRESIDENT SAVINO: Senator
17 Saland will be recorded in the negative.

18 Senator L. Krueger, to explain her
19 vote.

20 SENATOR LIZ KRUEGER: Thank you,
21 Madam President.

22 So this bill has two parts, and one
23 part is to ensure that information is
24 collected in a timely and centralized way from
25 the first responders, the hazardous material

1 responders, the emergency responders
2 throughout the state.

3 And as we all know, the state of
4 different possible emergencies has changed
5 recently in our lifetime. And our need to
6 modernize and ensure that the state and every
7 community has the most up-to-date equipment
8 and doesn't have duplicative equipment and
9 knows who else has what is obvious to me, and
10 critical. Because in fact fire departments
11 play an even more important role in our
12 communities than ever.

13 And yet I've heard many of my
14 colleagues say they already collect this
15 information, so we don't need the bill. Well,
16 I would argue then maybe they're voting no
17 because the other part of the bill makes
18 language gender-neutral and includes "she" and
19 "he" recognized as members of the fire
20 department and the first responders.

21 So either way, I vote yes for the
22 bill, for both parts. Thank you, Madam
23 President.

24 ACTING PRESIDENT SAVINO: Senator
25 Liz Krueger will be recorded in the

1 affirmative.

2 Senator Farley, to explain his
3 vote.

4 SENATOR FARLEY: Thank you, Madam
5 President.

6 I rise in opposition to this. Not
7 because the intention is bad, but you have to
8 remember that 80 to 90 percent of this state
9 is covered by volunteer firemen for fire
10 protection for this state. And, you know,
11 it's very difficult to get these people to
12 volunteer. And they give up an awful lot to
13 protect their neighbors and so forth.

14 And it's one of the reasons that
15 they hate Albany, is because we're always
16 telling them what they have to do, putting
17 mandates on them. And they say, Please get
18 out of our face.

19 This is not necessary, it's just
20 another burden on the volunteer firemen and
21 the fire departments that represent most of
22 the State of New York. I vote no.

23 ACTING PRESIDENT SAVINO: Senator
24 Farley will be recorded in the negative.

25 Senator Marcellino, to explain his

1 vote.

2 SENATOR MARCELLINO: Yes, Madam
3 President, thank you. To explain my vote.

4 Did you ever go to the doctor, have
5 to fill out the same form each and every time,
6 giving them basically the same information
7 over and over again? It's annoying. You've
8 done it 10 times, you've gone to the same
9 physician, they have the records in your file.
10 All they have to do is look your name up,
11 punch it up on their computer, and it's there.
12 Yet they ask you to fill out the form, do the
13 thing, repeat the same information, fill it
14 out again and again and again.

15 It is a pain in the neck to do
16 this. For us, it's a few minutes of our time
17 in front of a doctor. For these departments,
18 it's a long time. They've got to go through
19 the records, fill out a bunch of forms and
20 send them into the county, and the county then
21 ships it over to the state. All the
22 information is there, it's updated, and it's
23 computerized.

24 And as has been said many times,
25 these are volunteer outfits. We're just

1 putting an extra burden of paperwork on them
2 that is absolutely unnecessary and serves the
3 men and women of our volunteer fire
4 departments ill.

5 Thank you, Madam President. I vote
6 no.

7 ACTING PRESIDENT SAVINO: Senator
8 Marcellino will be recorded in the negative.

9 Are there any other Senators
10 wishing to explain their vote?

11 Seeing none, the Secretary will
12 announce the results.

13 THE SECRETARY: Those recorded in
14 the negative on Calendar Number 50 are
15 Senators Alesi, Bonacic, DeFrancisco, Farley,
16 Flanagan, Golden, Griffio, Hannon, O. Johnson,
17 Lanza, Larkin, LaValle, Leibell, Libous,
18 Little, Marcellino, Maziarz, McDonald,
19 Nozzolio, Padavan, Ranzenhofer, Robach,
20 Saland, Seward, Skelos, Volker, Winner and
21 Young.

22 Ayes, 32. Nays, 28.

23 ACTING PRESIDENT SAVINO: The
24 bill is passed.

25 Senator Klein, that completes the

1 reading of the controversial calendar.

2 SENATOR KLEIN: Madam President,
3 at this time can we please go to a reading of
4 Supplemental Calendar Number 36A.

5 ACTING PRESIDENT SAVINO: The
6 Secretary will read.

7 THE SECRETARY: In relation to
8 Calendar Number 396, Senator C. Kruger moves
9 to discharge, from the Committee on Finance,
10 Assembly Bill Number 10740 and substitute it
11 for the identical Senate Bill Number 7529,
12 Third Reading Calendar 396.

13 ACTING PRESIDENT SAVINO:
14 Substitution ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 396, by the Assembly Committee on Rules,
18 Assembly Print Number 10740, an act making
19 appropriations for the support of government.

20 ACTING PRESIDENT SAVINO: Senator
21 Klein.

22 SENATOR LIBOUS: Lay it aside.

23 ACTING PRESIDENT SAVINO: Senator
24 Libous, we need to accept the message of
25 necessity first before we lay the bill aside.

1 Senator Klein.

2 SENATOR KLEIN: Madam President,
3 is there a message of necessity at the desk?

4 ACTING PRESIDENT SAVINO: Yes,
5 Senator Klein, there is a message of necessity
6 and appropriation at the desk.

7 SENATOR KLEIN: I move to accept
8 the message at this time.

9 ACTING PRESIDENT SAVINO: The
10 question is on the acceptance of the message
11 of necessity and appropriation. All those in
12 favor please signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT SAVINO:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT SAVINO: The
18 message is accepted.

19 Read the last section.

20 SENATOR LIBOUS: Lay it aside.

21 ACTING PRESIDENT SAVINO: The
22 bill has been laid aside.

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

1 SENATOR KLEIN: Madam President,
2 can we please go to a reading of the
3 controversial supplemental calendar.

4 ACTING PRESIDENT SAVINO: The
5 Secretary will ring the bell. Members are all
6 asked to come to the chamber for the
7 controversial reading of the supplemental
8 calendar.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 396, substituted earlier today by the Assembly
12 Committee on Rules, Assembly Print Number
13 10740, an act making appropriations for the
14 support of government.

15 SENATOR LIBOUS: Madam President.

16 ACTING PRESIDENT SAVINO: Senator
17 Libous, why do you rise?

18 SENATOR LIBOUS: I have an
19 amendment at the desk. I ask that you waive
20 its reading, read its title, and if you could
21 call on me, please.

22 ACTING PRESIDENT SAVINO: Senator
23 Libous, your amendment is here at the desk.
24 Without objection, the reading is waived and
25 you may speak on the amendment.

1 SENATOR LIBOUS: Thank you, Madam
2 President.

3 On March 26th there was a general
4 conference committee meeting, March 26th. And
5 at that time it was stated that there would be
6 a commencement of the various conference
7 committees to get a budget done. Today is the
8 19th of April, and not one conference
9 committee has met. The clock continues to
10 tick, the time goes on.

11 And what's upsetting, Madam
12 President, is that contractors in this state
13 have not been paid. Contractors have not been
14 paid. And it's not just roads and bridges, as
15 we discussed a week ago at this time, it's a
16 whole host of contractors. And those
17 contractors range from projects at SUNY -- as
18 a matter of fact, I can use myself as an
19 example. This week at Binghamton University,
20 an engineering science building, a \$60 million
21 contract that was approved three years ago was
22 put on halt because they received a letter
23 that basically said that they would not be
24 paid.

25 Now, what's frustrating about that,

1 Madam President, and what we state in our
2 amendment is that those projects were
3 approved. They were approved by this house,
4 approved by the other house. And the monies
5 have been allocated and they've been
6 appropriated.

7 And why they're not being paid,
8 because of the inability of the leadership,
9 the Democratic leadership in this house to get
10 a budget done or even to commence conference
11 committees, is beside me.

12 You know, we spoke last week on
13 this floor, put the amendments up -- because
14 we want contractors to be paid. We want the
15 commitments to be made. And I want to talk
16 about that. Because commitment is something
17 that's very important to the people of this
18 state, but it doesn't seem to be important to
19 the Democrats who control this house.

20 A commitment was made to these
21 people previously to pay these bills for
22 services rendered. And instead, these bills
23 aren't paid because there's no budget. Why is
24 there no budget? Because we have yet to have
25 a conference committee meeting. Not one.

1 And I stood here last week and I
2 said shame on us for doing this three years
3 ago, but shame on you, the Democrats who run
4 this house, shame on you. Because you
5 preached it, and yet nothing is done and the
6 people of this state wait.

7 So this is the commitment. This
8 bill, this amendment fulfills the commitment
9 to the hardworking men and women of this state
10 that you're ignoring. A commitment to pay
11 them for the services that they're providing.
12 And you notice I said "commitment." A serious
13 commitment: Jobs. This state is in need of
14 jobs. And what we're doing by ignoring them,
15 not paying them, men and women are getting
16 laid off across this state.

17 And yet it comes back to one thing,
18 the budget. Where's the budget? The 19th of
19 April. The 26th, the general conference
20 committee. Nothing, nada.

21 The people in my district, as I'm
22 sure in yours, are sick and tired of this.
23 They've had it. And quite frankly, you know
24 what? They've had it with the leadership in
25 this house, the Democratic leadership.

1 Because you are not leading. I don't know who
2 you're following.

3 But it's time to do the people's
4 business. That's why I put this amendment on
5 the floor.

6 ACTING PRESIDENT SAVINO: Senator
7 Klein.

8 SENATOR KLEIN: Point of order,
9 Madam President.

10 According to Article 7, Section 4
11 of the Constitution, the Legislature may add
12 single line item appropriations separately and
13 distinctly. Because the articles in this
14 amendment are not single, distinct line items,
15 the amendment is unconstitutional and
16 therefore out of order.

17 In addition, Madam President, the
18 seminal case in this area is Pataki versus The
19 Assembly. And it's interesting because in
20 that case they discuss the 1915 Constitutional
21 Convention in which it described the whole
22 purpose of the alteration clause. And it
23 stated the alteration clause was to assure
24 that the Legislature remains a critic of the
25 budget and does not become a rival

1 constructor.

2 So it's very clear, Madam
3 President, that this amendment is out of
4 order.

5 SENATOR LIBOUS: Madam President.

6 ACTING PRESIDENT SAVINO: Senator
7 Libous, let me rule on the point of order by
8 Senator Klein before I respond to you.

9 Senator Klein, your point of order
10 is affirmed, and the nonsponsor amendment is
11 out of order.

12 Senator Libous.

13 SENATOR LIBOUS: Madam President,
14 I challenge the ruling of the chair.

15 ACTING PRESIDENT SAVINO: Are you
16 making a motion to challenge the ruling of the
17 chair?

18 SENATOR LIBOUS: I do.

19 ACTING PRESIDENT SAVINO: The
20 question is on the motion to overrule the
21 ruling of the chair.

22 SENATOR LIBOUS: Madam President,
23 may I state my reason for challenging the
24 chair, the motion?

25 ACTING PRESIDENT SAVINO: No,

1 Senator Libous, it's not necessary.

2 All those in favor of overruling
3 the ruling of the chair --

4 SENATOR KLEIN: Madam President.

5 ACTING PRESIDENT SAVINO: Senator
6 Klein.

7 SENATOR LIBOUS: Excuse me, Madam
8 President --

9 SENATOR KLEIN: Madam
10 President --

11 SENATOR LIBOUS: I believe I have
12 the floor. I haven't yielded to Senator
13 Klein.

14 I am challenging the ruling of the
15 chair.

16 ACTING PRESIDENT SAVINO: Senator
17 Libous, we're taking up your motion to
18 overrule the ruling of the chair.

19 All those in favor of overruling
20 the ruling of the chair --

21 SENATOR LIBOUS: Madam President,
22 I object --

23 SENATOR DeFRANCISCO: Point of
24 order. Point of order.

25 ACTING PRESIDENT SAVINO: Senator

1 DeFrancisco --

2 SENATOR DeFRANCISCO: May I ask
3 you --

4 ACTING PRESIDENT SAVINO: I am
5 taking up the motion to overrule the ruling of
6 the chair.

7 SENATOR DeFRANCISCO: I have a
8 point of order on the motion. The point of
9 order is if the moving party cannot explain
10 the reasons why that party is challenging the
11 ruling of the chair, may I ask how you can
12 form your judgment without hearing both sides
13 of the argument?

14 ACTING PRESIDENT SAVINO: Senator
15 Libous, you may proceed with your explanation
16 justifying the overruling of the ruling of the
17 chair.

18 SENATOR LIBOUS: Thank you, Madam
19 President.

20 First of all, Senator Klein, I
21 disagree with you because you talked about a
22 budget. This is not a budget. This is
23 actually an extender bill, it's not a budget.

24 And quite frankly, it changes
25 language. And the language can be changed.

1 We're adding new language to the Governor's
2 extender bill, very similar to the language
3 that's already in the bill, if you turn to
4 page 11, Section 15 and 16.

5 So I think your argument of
6 constitutionality does not actually fall into
7 proper place on this particular extender.
8 This is language that's being added. And I
9 think we disagree as far as your argument.

10 ACTING PRESIDENT SAVINO: Senator
11 Libous, my ruling stands.

12 All those in favor of overruling
13 the ruling of the chair please signify by
14 raising your hand.

15 The Secretary will announce the
16 results.

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

19 ACTING PRESIDENT SAVINO: The
20 motion fails.

21 The bill is before the house.

22 SENATOR LIBOUS: Madam President.

23 ACTING PRESIDENT SAVINO: Yes,
24 Senator Libous, why do you rise?

25 SENATOR LIBOUS: Thank you, Madam

1 President.

2 I believe there's a second
3 amendment at the desk, by Senator DeFrancisco.
4 I ask that you waive its reading and read its
5 title and call on Senator DeFrancisco.

6 ACTING PRESIDENT SAVINO: Senator
7 Libous, there is an amendment here at the
8 desk. Without objection, the reading is
9 waived and Senator DeFrancisco may speak on
10 the amendment.

11 SENATOR DeFRANCISCO: Thank you,
12 Madam President.

13 This amendment is a little narrower
14 than the last amendment. We prepared it
15 having some idea that you might overrule our
16 ability to go forward on that amendment, since
17 you have no intention of worrying about
18 contractors who aren't getting paid.

19 This happens to be just for road
20 work, road and bridge work. I know Senator
21 Dilan showed his concern about this and even
22 wrote the Governor this time last week, hoping
23 that the Governor would see to the fact that
24 it's a public safety issue. And Senator
25 Dilan, you know, really agreed with us and

1 tried to work through the Governor's office
2 and his good graces to make sure this was
3 done.

4 Since that time, other people have
5 lost jobs in Central New York on these types
6 of work. I assume Senator Dilan would have
7 informed us if there was any success in his
8 efforts with the Governor. And since he
9 hasn't informed us, I assume there hasn't
10 been. So as a result, it's necessary again to
11 make this amendment, for the health and safety
12 of our traveling public as well as to get
13 people paid.

14 And by the way, in case some people
15 in the house aren't aware of it, contracts are
16 signed. And contracts are legal and binding
17 agreements. You do work, you get paid. At
18 least it used to be that way in the State of
19 New York. And not only that, when you don't
20 get paid and you have to collect later on,
21 you're owed interest. So we are increasing
22 our deficit by this shortsighted way.

23 And we're trying as a Republican
24 conference to avoid additional expenditures,
25 provide for the public safety, and go forward

1 and get these people paid. So that's the
2 purpose of the amendment.

3 Thank you, Madam President.

4 ACTING PRESIDENT SAVINO: Senator
5 Klein.

6 SENATOR KLEIN: Madam President,
7 point of order.

8 Once again, according to Article 7,
9 Section 4 of the Constitution, the legislation
10 may only add a single line item appropriation
11 stated separately and distinctly.

12 As Senator Libous mentioned before,
13 this is an appropriations bill. It's not a
14 budget bill, it's an emergency appropriations
15 bill. So it certainly is appropriate.

16 And again, I refer once again to
17 Pataki versus The Assembly, which is the
18 seminal case in this area, which once again
19 would state that the whole purpose of the
20 alteration clause is to assure that the
21 Legislature is a critic and not a rival
22 constructor.

23 And again, this amendment is, I
24 believe, Madam President, out of order.

25 ACTING PRESIDENT SAVINO: Senator

1 Klein, your point of order is affirmed, and
2 the nonsponsor amendment is out of order.

3 SENATOR DeFRANCISCO: Move to
4 challenge --

5 SENATOR LIBOUS: Move to
6 challenge the ruling of the chair, Madam
7 President. And Senator DeFrancisco will raise
8 his argument.

9 ACTING PRESIDENT SAVINO: There
10 is a motion to challenge the ruling of the
11 chair. Senator DeFrancisco, to explain the
12 motion.

13 SENATOR DeFRANCISCO: Thank you,
14 Madam President.

15 I have Article 7, Section 4 of the
16 Constitution dealing with state finances which
17 Senator Klein referred to. And the opening
18 sentence is "The Legislature may not alter an
19 item of appropriation."

20 This legislation or this amendment
21 doesn't alter an item of appropriation, it
22 changes the State Finance Law, Section 40.
23 And it provides new language in the Finance
24 Law.

25 And as Senator Klein I'm sure will

1 acknowledge, the current extender does not
2 only have appropriations in it, it has
3 language in it, and not -- that has nothing to
4 do -- that does not refer to appropriations.
5 And I forgot what sections of the extender. I
6 think it's Sections 15 and 16.

7 So for that reason, I believe you
8 made an incorrect ruling. And knowing that
9 you want to correct that before it goes any
10 further and becomes part of the permanent
11 record of this body, we challenge the ruling.

12 ACTING PRESIDENT SAVINO: Senator
13 DeFrancisco, I stand by my ruling.

14 There is a motion to overrule the
15 ruling of the chair. All those in favor of
16 overruling the ruling of the chair please
17 indicate by raising your hand.

18 Announce the results.

19 THE SECRETARY: Ayes, 28. Nays,
20 32.

21 ACTING PRESIDENT SAVINO: The
22 motion fails.

23 The bill is before the house.

24 SENATOR LIBOUS: Explanation.

25 ACTING PRESIDENT SAVINO: Senator

1 Kruger, an explanation has been requested.

2 SENATOR CARL KRUGER: Thank you,
3 Madam President.

4 In principle, this emergency
5 appropriation bill will allow us to let
6 government run. It provides for \$2.003
7 billion as an All Funds appropriation and
8 \$6.245 million from the General Fund.

9 ACTING PRESIDENT SAVINO: Senator
10 DeFrancisco.

11 SENATOR DeFRANCISCO: Yes, would
12 Senator Kruger yield to a few questions?

13 ACTING PRESIDENT SAVINO: Senator
14 Kruger, will you yield?

15 SENATOR CARL KRUGER: Yes, Madam
16 President.

17 SENATOR DeFRANCISCO: I and the
18 other members of the Republican conference,
19 many members are very concerned about another
20 extender --

21 ACTING PRESIDENT SAVINO: Excuse
22 me, Senator DeFrancisco.

23 Could we have some quiet in the
24 house while we debate this bill? Thank you.

25 Proceed, please.

1 SENATOR DeFRANCISCO: And you
2 gave us an explanation last week that
3 negotiations were ongoing and that because of
4 that, as soon as negotiations reach a critical
5 mass, then we're going to have conference
6 committees.

7 Can you give us a report, being the
8 chairman of Finance of the majority party, the
9 Democrat party who runs this house, what the
10 status of the negotiations are from the last
11 time we did this to the present day? What's
12 happened?

13 SENATOR CARL KRUGER: Ongoing.

14 (Laughter.)

15 SENATOR DeFRANCISCO: Would
16 Senator Kruger yield to another question?

17 SENATOR CARL KRUGER: Yes, Madam
18 President.

19 ACTING PRESIDENT SAVINO: Senator
20 Kruger will yield.

21 SENATOR DeFRANCISCO: You know,
22 Senator Kruger, I would imagine that that's
23 maybe humorous to you, but there's
24 constituents in my --

25 SENATOR CARL KRUGER: My response

1 was not meant to be humorous.

2 SENATOR DeFRANCISCO: Well, then
3 maybe will he yield to another question.

4 ACTING PRESIDENT SAVINO: Senator
5 Kruger, will you continue to yield?

6 SENATOR CARL KRUGER: Absolutely.

7 SENATOR DeFRANCISCO: All right,
8 now I'd like to ask a specific question. What
9 negotiations took place from last week to this
10 week, last extender to this week, and what
11 parties were present?

12 SENATOR CARL KRUGER: There have
13 been numerous meetings. I do not have dates,
14 times and places, but there are ongoing
15 negotiations. The negotiations are between
16 the Senate, the Assembly and the Governor.

17 SENATOR DeFRANCISCO: Would
18 Senator Kruger yield to another question?

19 ACTING PRESIDENT SAVINO: Senator
20 Kruger?

21 SENATOR CARL KRUGER: Yes, I
22 would, Madam President.

23 SENATOR DeFRANCISCO: Senator
24 Kruger, would you tell the Republican
25 Conference who from the Assembly, who from the

1 Governor's office, and who from the Senate
2 participated in those negotiations for the
3 last week?

4 SENATOR CARL KRUGER: Leadership.

5 SENATOR DeFRANCISCO: Would
6 Senator Kruger yield to another question?

7 ACTING PRESIDENT SAVINO: Senator
8 Kruger --

9 SENATOR CARL KRUGER: Yes, I
10 would, Madam President.

11 ACTING PRESIDENT SAVINO: Senator
12 Kruger will yield.

13 SENATOR DeFRANCISCO: So you're
14 referring to the Governor, Senator Sampson,
15 and Assembly Speaker Silver; correct?

16 SENATOR CARL KRUGER: Or their
17 surrogates.

18 SENATOR DeFRANCISCO: Okay.
19 Would Senator Kruger yield to another
20 question?

21 ACTING PRESIDENT SAVINO: Senator
22 Kruger, will you continue to yield?

23 SENATOR CARL KRUGER: Yes, I
24 would, Madam President.

25 SENATOR DeFRANCISCO: Were any

1 leaders from the minority parties in each
2 house, either house, did any of them
3 participate in these ongoing negotiations, the
4 dates of which you are not familiar with?

5 SENATOR CARL KRUGER: As I said,
6 the meetings were held between the Senate, the
7 Assembly, and the Governor's office.

8 SENATOR DeFRANCISCO: Would
9 Senator Kruger yield again to another
10 question?

11 SENATOR CARL KRUGER: Yes, I
12 would, Madam President.

13 ACTING PRESIDENT SAVINO: Yes.

14 SENATOR DeFRANCISCO: That didn't
15 answer. The question was, was any member of
16 the Republican minority in the Senate or the
17 Republican minority in the Assembly, did any
18 of them participate in the negotiations, the
19 places of which, the times of which you don't
20 know?

21 SENATOR CARL KRUGER: Well, I
22 guess, if I would like to answer the question,
23 my question then -- I ask you a question.
24 Were you a party to the negotiations?

25 ACTING PRESIDENT SAVINO: Senator

1 Kruger, are you asking Senator DeFrancisco to
2 yield?

3 SENATOR CARL KRUGER: Yes, I am,
4 Madam President.

5 ACTING PRESIDENT SAVINO: Senator
6 DeFrancisco, will you yield for a question?

7 SENATOR DeFRANCISCO: No, I was
8 not. No, I was not. Nor was I invited, nor
9 was any member that I'm aware of of this
10 Republican minority conference invited or told
11 of the dates, times or places of that -- those
12 meetings.

13 So my question again, Senator
14 Kruger, is were any -- do you know of -- no,
15 not you know. Were any Republicans, minority
16 members in either house, leadership, invited
17 to those meetings?

18 SENATOR CARL KRUGER: Through
19 you, Madam President. Last Wednesday, I
20 believe, on Wednesday of last week, we sent a
21 letter and we invited the minority side, the
22 Republican side of this house to attend an
23 open forum in the form of a committee
24 meeting -- call it a mother ship, call it
25 whatever you want.

1 And I should report back to you, as
2 you will well know, myself, Senator Sampson
3 and the rest of the Democratic leadership of
4 this house was in attendance. And no one, I
5 repeat, no one from the minority party
6 participated.

7 SENATOR DeFRANCISCO: Would
8 Senator Kruger yield --

9 SENATOR CARL KRUGER: That was
10 our invitation.

11 SENATOR DeFRANCISCO: Would
12 Senator Kruger yield to another question?

13 SENATOR CARL KRUGER: Yes, I
14 would, Madam President.

15 ACTING PRESIDENT SAVINO: Yes.

16 SENATOR DeFRANCISCO: Senator
17 Kruger, that meeting, that one-house meeting,
18 the public meeting that you just referred to,
19 were you referring to that as the leaders'
20 negotiations that have been taking place over
21 the last week?

22 SENATOR CARL KRUGER: Through
23 you, Madam President, no, I'm talking about a
24 house meeting that you did not participate in.

25 SENATOR DeFRANCISCO: Thank you.

1 Now, would Senator Kruger yield to
2 another question?

3 SENATOR CARL KRUGER: Yes, I
4 would, Madam President.

5 ACTING PRESIDENT SAVINO: Senator
6 Kruger yields.

7 SENATOR DeFRANCISCO: Now, in
8 order to make it very clear to you, so you
9 don't get confused about a one-house public
10 display that you put on, my question is, was
11 any Republican minority member, leadership or
12 otherwise, in either the Senate or the
13 Assembly, were they invited or did they
14 participate in the negotiations that you
15 referred to have been ongoing?

16 SENATOR CARL KRUGER: Through
17 you, Madam President. The meeting of
18 Wednesday, as part of that negotiating
19 process, was for the minority party of this
20 house to present in open forum its plan of
21 action, its vision, its road map toward a
22 budget.

23 So in practical terms and in very,
24 very simple terms, since you allege that I
25 might get confused -- let me try to keep it

1 simple in my own mind. I'm getting on now,
2 I'm 60 years old, so I don't know if I can
3 handle it. But in very, very simple terms,
4 that open forum set the process for what would
5 be the continued, yes, negotiation to come to
6 a conclusion and a budget.

7 SENATOR DeFRANCISCO: Would
8 Senator Kruger yield to another question?

9 SENATOR CARL KRUGER: Yes, I
10 would, Madam President.

11 ACTING PRESIDENT SAVINO: Senator
12 Kruger continues to yield.

13 SENATOR DeFRANCISCO: I'm going
14 to ask the question one last time. And then
15 maybe the general public, who hopefully is
16 watching this, these so-called answers to the
17 questions, legitimate questions -- the private
18 negotiations that have been ongoing between
19 leadership, the dates of which you have no
20 clue when they were or what the result of
21 those meetings were that are ongoing, were any
22 Republican minority members in either house
23 invited to those private negotiations that
24 have to reach a critical mass before there's
25 going to be a budget conference committee?

1 Yes or no, can you answer that?

2 SENATOR CARL KRUGER: Through
3 you, Madam President. Once again, to
4 reiterate, that so-called public meeting that
5 you refused to recognize was this house, the
6 majority's attempt to begin the process and to
7 continue the process, since we continued it
8 long prior to that, to have an open forum so
9 you could present your budget resolution, your
10 road map towards continued negotiation.

11 That was the totality of the
12 Wednesday meeting that the Republican minority
13 refused to participate in.

14 SENATOR DeFRANCISCO: On the
15 bill.

16 ACTING PRESIDENT SAVINO: Senator
17 DeFrancisco, Senator Kruger actually has the
18 floor, as an explanation was requested. So we
19 will call on you --

20 SENATOR DeFRANCISCO: He sat. He
21 sat down.

22 SENATOR CARL KRUGER: I've
23 completed my presentation.

24 ACTING PRESIDENT SAVINO: Thank
25 you, Senator Kruger.

1 Senator DeFrancisco, on the bill.

2 SENATOR DeFRANCISCO: I just hope
3 that this dialogue is on videotape and this
4 video is transmitted to every district
5 throughout the State of New York.

6 Unfortunately, the general public
7 has this conception that both the Republican
8 minority and the leadership in the Senate, the
9 Democrats, are somehow holding up this budget
10 process, and it's the Legislature.

11 Well, it's not the Legislature,
12 ladies and gentlemen. It's pretty obvious
13 from these questions that what's been going on
14 is closed-door meetings among the Democrats in
15 the State of New York, the Democrats from
16 New York City. And those Democrats are
17 Senator John Sampson, Speaker Silver, and the
18 Governor.

19 There is no input whatsoever in the
20 private negotiations, where the deals are
21 being made. This facade that Senator Kruger
22 keeps referring to is a public display that
23 the Democrats had last week in order to give
24 the impression that conference committees were
25 being held and that Republicans were somehow

1 being included. That was nonsense. Where the
2 business is being done is behind closed doors.

3 Just like last year, when the
4 budget bill popped on our desks and it turned
5 out to have \$8 billion in new taxes and
6 \$12 billion in new spending.

7 So the answer to the question that
8 Senator Kruger claimed not to be confused
9 about -- and believe me, Senator Kruger, age
10 has nothing to do with honesty -- is that no
11 Republicans were invited, none of the
12 Republican leadership were invited, and that's
13 intentional. That's exactly why there are no
14 conference committees.

15 So hopefully the general public got
16 some clarification today by the total lack of
17 answers and the total lack of candor.

18 There's another point that I'd like
19 to make. And, you know, it's really, really
20 important in this day and age of robocalls. I
21 think everybody out there knows a robocall is,
22 automatic calls to districts.

23 ACTING PRESIDENT SAVINO: Senator
24 Thompson, why do you rise?

25 SENATOR THOMPSON: I would just

1 request if the good Senator from Syracuse,
2 Senator DeFrancisco, would yield for one
3 question, please.

4 ACTING PRESIDENT SAVINO: Senator
5 DeFrancisco, will you yield for one question?

6 SENATOR DeFRANCISCO: I'll be
7 happy to yield when I'm done with this next
8 point. I'll yield to as many questions as
9 Senator Thompson wants. Actually, I've got a
10 few questions of my own for him.

11 (Laughter.)

12 SENATOR DeFRANCISCO: But I'd
13 like to finish what I'm doing right now. And
14 that is there's one thing being deceptive, as
15 we've seen an example this week and last week.
16 That's one thing, being deceptive. It's
17 another thing being totally dishonest.

18 In 14 districts in this state, 14
19 of the Republican Senators got these calls:
20 "Yesterday was Tax Day. Once again,
21 New Yorkers realize that Senator [Republican]
22 and his cronies in Albany are wasting our
23 hard-earned tax dollars. Senator [fill in the
24 Republican blank] is sitting on the sidelines
25 while New Yorkers are losing their jobs,

1 families are losing their homes and can barely
2 afford to pay our property taxes. And on Tax
3 Day, Senator [Blank] made us foot the bill."

4 Now, we're trying not to stand on
5 the sidelines. We're trying to get into the
6 process, into the closed-door meetings, and
7 open them up so the Democrat leadership, who
8 yearned for leadership and now has the
9 leadership, won't follow the law.

10 And even the Times Union today
11 recognized that they're not following the
12 law -- the Times Union, for God's sakes. That
13 should be a wake-up call that you're not
14 following the law.

15 So they don't follow the law, and
16 they sent dishonest robocalls to the district
17 saying that we are on the sidelines --

18 ACTING PRESIDENT SAVINO: Excuse
19 me, Senator DeFrancisco.

20 SENATOR DeFRANCISCO: -- we're
21 holding the process up.

22 ACTING PRESIDENT SAVINO: Senator
23 Kruger, why do you rise?

24 SENATOR CARL KRUGER: Will the
25 Senator yield to a question?

1 SENATOR DeFRANCISCO: As soon as
2 I'm done, I'll yield to as many questions as
3 anybody has.

4 SENATOR CARL KRUGER: I'll try to
5 remember them so I don't get confused.

6 (Laughter.)

7 SENATOR DeFRANCISCO: Well, you
8 might want to write them down.

9 ACTING PRESIDENT SAVINO: I would
10 just remind the members of the house that we
11 should try and leave personal invective out of
12 the debate.

13 SENATOR DeFRANCISCO: Now, let me
14 read the next sentence. This is my favorite.
15 This is my favorite. Talk about dishonesty,
16 lies, deception. "Tell Senator [Republican]
17 to get to work and pass a budget."

18 We're trying, and they have the
19 gall, your conference has the gall to tell
20 this lie to the Republican districts, when we
21 get answers such as this from Senator Kruger:
22 A budget that lowers taxes -- after you
23 increased taxes by \$8 billion in your
24 closed-door meetings last year -- and creates
25 jobs -- when we're losing jobs as a result of

1 not paying our bills.

2 ACTING PRESIDENT SAVINO: Senator
3 DeFrancisco -- Senator Montgomery, why do you
4 rise?

5 SENATOR MONTGOMERY: Yes, Madam
6 President, I would like to challenge the
7 germaneness of this statement that Senator
8 DeFrancisco is making. This doesn't seem to
9 be germane to the bill that we're discussing
10 that's on the floor right now. Will you rule
11 on that?

12 SENATOR LIBOUS: Excuse me, point
13 of order. Point of order. I believe Senator
14 DeFrancisco has the floor.

15 ACTING PRESIDENT SAVINO: Senator
16 Libous, hold on a moment, please. Let me deal
17 with Senator Montgomery's point of order
18 first.

19 Senator Montgomery -- Senator
20 DeFrancisco, I am going to allow you to finish
21 your comments, but I would remind you to try
22 and keep them germane to the bill that is
23 before us so that we can get through this
24 process as quickly as possible.

25 SENATOR DeFRANCISCO: Thank you.

1 Thank you, Madam President. Honesty is always
2 germane. It's germane to the nonanswers and
3 the lies we're hearing about the process.

4 ACTING PRESIDENT SAVINO: Senator
5 Adams, why do you rise?

6 SENATOR ADAMS: I just wasn't
7 clear. He said that we had -- was it the
8 gall, with a G, or something else with a B? I
9 didn't understand that.

10 ACTING PRESIDENT SAVINO: Gall.

11 SENATOR ADAMS: Oh, okay.

12 ACTING PRESIDENT SAVINO: Thank
13 you.

14 Senator DeFrancisco.

15 SENATOR DeFRANCISCO: Gall?

16 ACTING PRESIDENT SAVINO: Yes.

17 SENATOR DeFRANCISCO: Okay, I
18 don't re -- okay.

19 And after increasing taxes by
20 \$8 billion and spending by \$12 billion and
21 accusing us, who all voted negatively on that
22 budget, to get a budget that lowers taxes and
23 creates jobs -- we're already hearing new
24 taxes that are being floated out every day.
25 We're trying to --

1 ACTING PRESIDENT SAVINO: Senator
2 DeFrancisco --

3 SENATOR DeFRANCISCO: -- fight
4 those taxes.

5 ACTING PRESIDENT SAVINO: -- you
6 are now crossing into the line where you're
7 not germane. We are not talking about a
8 budget that hasn't been drafted yet. We're on
9 the bill in front of the us.

10 SENATOR DeFRANCISCO: "And also
11 get Senator [Republican] to stop the
12 corruption in Albany."

13 I'm not so sure that corruption is
14 the proper thing for Democrats to be accusing
15 anybody of.

16 ACTING PRESIDENT SAVINO: Senator
17 Klein, why do you rise?

18 SENATOR KLEIN: Madam President,
19 again, point of order.

20 We're not going to sit here and
21 listen to Senator DeFrancisco recite a
22 robocall, as if the Senate Democrats invented
23 the robocall. If Senator DeFrancisco can
24 please keep his remarks to the bill at hand.

25 SENATOR DeFRANCISCO: Excuse

1 me --

2 ACTING PRESIDENT SAVINO: Thank
3 you, Senator Klein.

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: Did you say
6 "if the Democrats admit to the robocall"?

7 SENATOR KLEIN: "Invented the
8 robocall." "As if the Senate Democrats
9 invented the robocall."

10 SENATOR DeFRANCISCO: No, because
11 you -- thank you. Because you had me
12 confused, because not only did it go out, but
13 it's on your website --

14 ACTING PRESIDENT SAVINO: Senator
15 DeFrancisco --

16 SENATOR DeFRANCISCO: -- and
17 you're proud of it.

18 ACTING PRESIDENT SAVINO: -- let
19 me remind you again. I've asked you to
20 conclude your remarks and make it germane to
21 the bill that is before the house.

22 SENATOR LIBOUS: Madam President,
23 Madam President, point of order. It appears
24 that we seem to be limiting speech on the
25 floor --

1 ACTING PRESIDENT SAVINO: You are
2 out of order.

3 SENATOR LIBOUS: No, no, Madam
4 President --

5 ACTING PRESIDENT SAVINO: Senator
6 Libous, you are out of order. Senator
7 DeFrancisco has the floor. You are out of
8 order, Senator Libous.

9 SENATOR DeFRANCISCO: I'm almost
10 done.

11 ACTING PRESIDENT SAVINO: Please
12 continue, Senator DeFrancisco.

13 SENATOR DeFRANCISCO: I'm almost
14 done.

15 Now, what is definitely germane is
16 that a budget -- if we had a budget, we would
17 not need an extender. And I'm going to be
18 voting no, because we need a budget, we need
19 budget conference committees.

20 And I noticed with great interest
21 that Senators Valesky, Aubertine, Stachowski,
22 Johnson and Foley agree with us that the law
23 should be followed. It was sort of a belated
24 agreement, but they now agree.

25 So I'm calling only each one of

1 those individuals, because they're so
2 concerned about following the law, that we
3 stop these extenders at this point in time and
4 vote your conscience about the law should not
5 be violated, we shouldn't just be moving
6 things forward on a weekly basis without
7 people getting paid.

8 So for those reasons, I'm voting no
9 on this extender, and I'm calling upon Senator
10 Kruger, with all of his influence that he
11 obviously has in this process, to open up the
12 private negotiations between the three
13 Democrat leaders and follow the law so we can
14 get a budget that's fair to everyone and
15 everyone gets paid.

16 The extender only pays public
17 employees. It doesn't pay contracts that
18 we're legally obligated to pay.

19 So I'll be more than happy to
20 answer Senator Thompson's questions, Senator
21 Kruger or anybody else's questions.

22 ACTING PRESIDENT SAVINO: Senator
23 Thompson, do you still have a question? Are
24 you still asking Senator DeFrancisco to yield?

25 SENATOR THOMPSON: I am asking

1 Senator DeFrancisco if he would -- the
2 gentleman from Syracuse would be kind enough
3 to yield for a question.

4 ACTING PRESIDENT SAVINO: Senator
5 DeFrancisco, will you yield?

6 SENATOR DeFRANCISCO: I would be
7 more than happy to yield.

8 SENATOR THOMPSON: Senator
9 DeFrancisco, I know that you are a very
10 hardworking state senator from Syracuse. And
11 I just had just a couple of quick questions
12 for you.

13 The first was would you yield for
14 this question: Do you believe New York has
15 high property taxes?

16 SENATOR DeFRANCISCO: Absolutely
17 I agree with that.

18 SENATOR THOMPSON: Are you aware,
19 based --

20 ACTING PRESIDENT SAVINO: Are you
21 asking Senator DeFrancisco to continue to --

22 SENATOR THOMPSON: Would he be
23 kind enough to yield for another question,
24 please.

25 ACTING PRESIDENT SAVINO: Do you

1 continue to yield, Senator DeFrancisco?

2 SENATOR DeFRANCISCO: Yes.

3 ACTING PRESIDENT SAVINO: Yes.

4 SENATOR THOMPSON: Senator, are
5 you aware that one of the stumbling blocks in
6 the budget process right now is that the
7 Senate Democrats are pushing for property tax
8 relief?

9 SENATOR DeFRANCISCO: My answer
10 is I have no idea.

11 And, Senator Thompson, I'm glad you
12 raised that I'd like to explain in much more
13 detail. The reason --

14 SENATOR THOMPSON: Would he yield
15 for a --

16 SENATOR DeFRANCISCO: Excuse me,
17 I haven't finished.

18 The reason I don't know and I have
19 no clue, nor does any member on this side of
20 the aisle or any Republican in the Assembly,
21 is because the negotiations aren't in public.
22 We don't know. You can say anything you want
23 publicly and say something differently
24 privately. But if there's -- the law is
25 followed and you have public negotiations,

1 people could say you're full of baloney just
2 like that robocall was, if you're being
3 dishonest.

4 So we don't know that. Thank you.

5 SENATOR THOMPSON: Would Senator
6 DeFrancisco yield for another question,
7 please?

8 ACTING PRESIDENT SAVINO: Senator
9 DeFrancisco, do you continue to yield?

10 SENATOR DeFRANCISCO: I'll yield,
11 you don't even have to ask me. I'll yield to
12 as many as you want.

13 SENATOR THOMPSON: Recently the
14 Senate Democrats put forward a budget
15 resolution which I was not totally happy with
16 all of the resolution, but I voted for it.
17 But one of the parts of the resolution offered
18 property tax relief for -- I believe for
19 senior citizens 65 years of age and older.

20 And I know you just stated that you
21 support property tax relief in the budget, or
22 property tax relief. I just wanted to know
23 whether or not you voted for that resolution
24 that the Senate passed a couple of weeks ago.

25 SENATOR DeFRANCISCO: I'll be

1 more than happy to answer. Clearly, in the
2 yes or no -- which is something you might not
3 be familiar with -- but I say yes, I did not
4 vote for it.

5 And the reason is this. The reason
6 is that that budget bill was not a good bill.
7 That one section is a great bill. We voted
8 for property tax relief, we pushed property
9 tax relief, we've actually voted for and had a
10 bill passed to cap property taxes that we
11 can't get on the floor right now, we can't get
12 on the floor in this house.

13 We want to cap property taxes. We
14 want to cap spending. But to have a political
15 document like you constructed that has some
16 good and some bad, that's step one. I'll be
17 at those conference tables with you shoulder
18 to shoulder, along with every Republican in
19 this room, pushing for that property tax -- if
20 you give us the opportunity, we're going to
21 give you 30 more people fighting and helping
22 you get your goal, if your goal really is
23 that.

24 SENATOR THOMPSON: Would the kind
25 Senator yield for one last question, Madam

1 Chairwoman?

2 SENATOR DeFRANCISCO: Yes.

3 ACTING PRESIDENT SAVINO: Senator
4 DeFrancisco will yield.

5 SENATOR THOMPSON: If a
6 mysterious letter happened to circulate around
7 the Senate asking for property tax relief to
8 be included in the budget, would you be kind
9 enough to sign that letter supporting property
10 tax relief this year for senior citizens?

11 Because that happens to be one of
12 the sticking points in the budget process that
13 he has not heard or read about in the
14 newspapers or in the resolution that was
15 passed by the Senate 32 to 30 or 32 to 29.

16 SENATOR DeFRANCISCO: First of
17 all, I didn't say I didn't hear about it --

18 ACTING PRESIDENT SAVINO: Senator
19 DeFrancisco, let me just stop you there.

20 I would remind the Senators that
21 the bill before the house is an extender.
22 This is not a political debate. So please
23 restrict the questions that you're asking to
24 the bill that is before the house.

25 SENATOR THOMPSON: If he could

1 just yield for the last question --

2 ACTING PRESIDENT SAVINO: If you
3 could rephrase that question in a manner that
4 makes it germane to the bill before the house.

5 SENATOR DeFRANCISCO: I
6 understand the question. And I just -- you
7 said get into political discourse. I'm not
8 sure -- well, in any event, I don't know how
9 to separate that.

10 But I guess my point is no, I will
11 not sign such a letter. It's phony. It's
12 pandering to the public --

13 ACTING PRESIDENT SAVINO: Senator
14 DeFrancisco.

15 SENATOR DeFRANCISCO: I'm
16 finishing my answer. He asked the question.

17 It's pandering to the public to
18 sign letters. Just like the five people on
19 the Democrat side that may have a race this
20 year decide that they are going to sign on to
21 conference committees.

22 ACTING PRESIDENT SAVINO: Senator
23 DeFrancisco -- Senator DeFrancisco --

24 SENATOR DeFRANCISCO: That's
25 pandering. The result is what we want, the

1 actual meetings. And that we'll argue in
2 favor, we'll fight with you for that. And
3 we'll fight with you against taxes, because
4 you say you're against those too.

5 Any other questions, I'll be more
6 than happy.

7 ACTING PRESIDENT SAVINO: There
8 are no further questions for you, Senator
9 DeFrancisco. You will be --

10 SENATOR DeFRANCISCO: I was going
11 to -- Senator Kruger had some. He was going
12 to write them down.

13 (Laughter.)

14 ACTING PRESIDENT SAVINO: Ah.
15 Senator Kruger, do you have still have a
16 question for Senator DeFrancisco?

17 SENATOR CARL KRUGER: Madam
18 President, I forgot what my question was.

19 (Laughter.)

20 ACTING PRESIDENT SAVINO: Senator
21 DeFrancisco will be recorded in the negative
22 on the bill.

23 Senator L. Krueger, on the bill.

24 SENATOR LIZ KRUEGER: How
25 delightful, I'll speak on the bill. Thank you

1 so much, Senator.

2 So it's 7 o'clock. And I think
3 people can see why we haven't gotten a budget
4 done. But we have to get this extender done.
5 Because if we don't, government stops. And
6 none of us want to be here on this date having
7 to do an extender. But as we've talked about
8 many times, we've had generations of
9 extenders, and extenders upon extenders.

10 But the rules are when you don't
11 have a budget and the Governor sends you an
12 emergency appropriation bill, you get two
13 choices. You can vote yes and have government
14 continue to function, and or you can vote no,
15 which is a vote for governments to cease
16 operation.

17 So for the record, this is a bill
18 that appropriates \$2 billion to continue the
19 operation of government, of which
20 \$624.5 million is from the General Fund. This
21 bill provides money to ensure that we continue
22 to pay our Social Security contributions to
23 ensure that people are covered under federal
24 Social Security law. It provides money for
25 annuity and insurance and retirement funds.

1 It appropriates --

2 ACTING PRESIDENT SAVINO: Senator
3 Winner, why do you rise?

4 SENATOR WINNER: Would Senator
5 Krueger yield to a question?

6 ACTING PRESIDENT SAVINO: Senator
7 Krueger, will you yield to a question?

8 SENATOR LIZ KRUEGER: Certainly,
9 Senator Winner.

10 SENATOR WINNER: Senator, I lived
11 through the oppression of the 20 years of
12 state budget delays when I was a member of the
13 minority in the Assembly, and I'm also
14 listening to the extender that we had for the
15 last couple of weeks. In my experience of
16 extenders in the past, I never saw an extender
17 where the contractors in the State of New York
18 were not paid for the work that they were
19 doing.

20 Do you know whether any of those
21 extenders ever denied the contractors payment
22 for projects and that it resulted in layoffs
23 and the like that is occurring right now?

24 SENATOR LIZ KRUEGER: No,
25 Senator, I don't know. I'd be happy to do

1 some research for you.

2 And again, I'm not disagreeing with
3 your concern about laying off. There is, in
4 Section 7, some additional appropriations to
5 continue paying on some capital contracts.
6 There's \$20 million, as I read the bill in
7 Section 7.

8 But even if I hate this extender
9 bill because of what it doesn't have in it or
10 what it does have in it, I, like all of us
11 here in the room, the 62 of us, are faced with
12 the question are we voting yes on an extender
13 at 7 o'clock this evening to ensure that
14 government continues to operate, or are we
15 voting no and, if it fails to pass in the
16 Senate, we will not have government operating
17 tomorrow?

18 So did I answer the question,
19 Senator?

20 SENATOR WINNER: Would Senator
21 Krueger yield to another question?

22 ACTING PRESIDENT SAVINO: Senator
23 Krueger, do you continue to yield?

24 SENATOR LIZ KRUEGER: Certainly,
25 Senator.

1 SENATOR WINNER: So, Senator,
2 it's your understanding that if we were to
3 speak out, by our actions, against the
4 Governor and not pass his extender and tell
5 him that unless he sends an extender that pays
6 the contractors and preserves jobs in this
7 state, that under those circumstances you're
8 certain that the Governor of the State of
9 New York would allow the government here to
10 shut down rather than resubmitting a bill that
11 would adhere to the demands and the desires of
12 you and Senator Dilan and others that the
13 contractors in the State of New York would be
14 paid?

15 It's your feeling that the Governor
16 of the State of New York would rather shut the
17 State of New York down than adhere to the
18 wishes of the Senate?

19 SENATOR LIZ KRUEGER: Through
20 you, Madam President, I don't think I can
21 imagine getting inside the brain of the
22 Governor as to whether he would or wouldn't do
23 something different.

24 I'm working on the facts. The
25 facts are if we do not pass this extender

1 bill, which I believe has already been passed
2 by the Assembly -- I know for a fact it's been
3 passed by the Assembly -- there will be no
4 continuation of government at this time.

5 Now, people in various
6 legislatures, in Congress and other states,
7 have played out the game of chicken, so to
8 speak: We won't pass this bill, we want a
9 better one. I'm arguing tonight that for the
10 sake of the people of New York State and for
11 the continuation of government that we all
12 vote yes on this bill, even though I suspect
13 every single one of us would list out things
14 we wish were written differently in this bill.
15 You and I might not agree. We might agree on
16 everything.

17 I know that the way the government
18 and the Constitution is set up in New York
19 State, only the Governor can send us an
20 emergency appropriations bill. And we can
21 either vote yes, even if we're going to hold
22 our nose and not love it, or we can vote no.
23 Those are the two options.

24 I'll be voting yes, Madam
25 President.

1 SENATOR WINNER: Would Senator
2 Krueger yield to another question?

3 ACTING PRESIDENT SAVINO: Senator
4 Krueger, do you continue to yield?

5 SENATOR LIZ KRUEGER: Yes,
6 Senator.

7 SENATOR WINNER: Senator, one of
8 your -- one of all of our favorite former
9 politicians and statesmen, Senator Moynihan,
10 always used to say that you're not entitled to
11 your own set of facts, you're entitled to your
12 own opinion.

13 You stated as a fact that if we
14 vote this bill down, that the government will
15 shut down. I think that that's more of an
16 opinion.

17 The facts are that if we were to
18 send this bill -- not pass this bill and send
19 it back to the Governor and say, "You send us
20 another one that has payments for the
21 contractors and other payments that are
22 priorities of yours in this bill," that under
23 those circumstances I think -- it's my
24 opinion -- that we would have a Governor that
25 would be responsive to those concerns rather

1 than shutting down the government. And that's
2 my opinion. And so under those circumstances,
3 I'm entitled too.

4 What the facts of the matter are is
5 that this house is not willing to stand up to
6 the Governor and provide --

7 ACTING PRESIDENT SAVINO: Senator
8 Winner, do you have a question for Senator
9 Krueger?

10 SENATOR WINNER: I'm getting
11 there.

12 (Laughter.)

13 SENATOR WINNER: I'm getting
14 there. I've done this before.

15 ACTING PRESIDENT SAVINO: Okay.

16 SENATOR LIZ KRUEGER: I knew he
17 was.

18 SENATOR WINNER: The facts of the
19 matter are that this house apparently is not
20 willing to stand up to the Governor and say,
21 "Hey, lookit, do what our priorities are."
22 And clearly the priorities are not to make
23 those payments to the contractors,
24 notwithstanding some pronouncements by some
25 other members.

1 So wouldn't you agree with me,
2 Senator, that under those circumstances that
3 my facts are more accurate than yours? Thank
4 you.

5 (Laughter.)

6 SENATOR LIZ KRUEGER: No, Senator
7 Winner -- through you, Madam President -- I
8 cannot agree that your facts are more accurate
9 than mine.

10 Because again, I'm dealing with a
11 document, the emergency appropriations bill,
12 Senate 7529, Assembly 10740. This is the only
13 bill that has been given to the Legislature
14 for emergency appropriations.

15 So you're right, in some movie or
16 film or play or book that we might write that
17 we might all prefer to be participating in,
18 there might be a different emergency
19 appropriations bill that did different things.

20 But this is the bill we have before
21 us. This is the only bill that's come with
22 the message of necessity from the Governor.
23 This is the only bill that's been passed by
24 the other house. And this is the only bill
25 that if it passes this house can in fact be

1 signed by the Governor, assuring continuation
2 of government.

3 So yes, you have to make some tough
4 decisions when you're in the Legislature. You
5 have to vote for some bills because even
6 though you don't like everything that's in
7 them, or, as you point out, you don't like
8 everything that's not in them, at this moment
9 at this hour on this day in this year, there
10 is one option. Vote no on this bill, and
11 government does not continue, or vote yes on
12 this bill even if you don't really like it.

13 So I'll be voting yes, Madam
14 President.

15 ACTING PRESIDENT SAVINO: Senator
16 L. Krueger will be recorded in the
17 affirmative.

18 Senator Bonacic. Oh, excuse me,
19 Senator Bonacic.

20 Senator Klein.

21 SENATOR KLEIN: Madam President,
22 in the spirit of bipartisanship, upon
23 unanimous consent I ask that the roll be
24 opened so that Senator Leibell can vote on the
25 bill.

1 ACTING PRESIDENT SAVINO: The
2 Secretary will read the last section.

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

5 ACTING PRESIDENT SAVINO: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT SAVINO: Senator
9 Leibell.

10 SENATOR LEIBELL: I vote aye.

11 ACTING PRESIDENT SAVINO: Senator
12 Leibell will be recorded in the affirmative.

13 The roll is closed. The bill is
14 before the house.

15 Senator Bonacic.

16 SENATOR BONACIC: Thank you,
17 Madam President. Would Senator Carl Kruger
18 yield to a couple of questions, please.

19 ACTING PRESIDENT SAVINO: Senator
20 Kruger, would you yield --

21 SENATOR LIBOUS: Madam President,
22 can we have a little order in the chamber?
23 I'm having a difficult time hearing.

24 ACTING PRESIDENT SAVINO: Yes.
25 Could we have some order in the

1 chamber. Thank you.

2 Senator Kruger, will you yield?

3 SENATOR CARL KRUGER: Yes, I
4 will, Madam President.

5 ACTING PRESIDENT SAVINO: Senator
6 Kruger will yield.

7 SENATOR BONACIC: Thank you,
8 Senator Kruger.

9 Senator Kruger, would you agree
10 with me that if we don't have a final budget,
11 that we may be in the process of doing weekly
12 extenders for some period of time into the
13 future?

14 SENATOR CARL KRUGER: You mean in
15 the hypothetical sense?

16 SENATOR BONACIC: The
17 hypothetical sense.

18 SENATOR CARL KRUGER: I guess so.

19 SENATOR BONACIC: Okay. Would
20 you yield for another question?

21 SENATOR CARL KRUGER: Yes, I
22 would.

23 SENATOR BONACIC: Can you tell
24 me, if the Democratic leadership in both
25 houses would do a legislative bill without the

1 consent of the Governor? Because under the
2 Constitution, you have the right to do that.

3 SENATOR CARL KRUGER: What's your
4 question?

5 SENATOR BONACIC: My question is
6 you've said that there's been ongoing
7 negotiations, did you not?

8 SENATOR CARL KRUGER: Three-way
9 negotiations.

10 SENATOR BONACIC: Right. And I'm
11 asking you, is the leadership, the Democratic
12 leadership in the Senate and the Democratic
13 leadership in the Assembly, from the ongoing
14 negotiations prepared to do a legislative
15 budget bill without the consent of the
16 Governor?

17 SENATOR CARL KRUGER: I know
18 there's one thing for sure, I'm not prepared
19 to speak for them.

20 SENATOR BONACIC: Would you speak
21 for yourself, your conference?

22 SENATOR CARL KRUGER: We are at
23 the table in three-way negotiations.

24 SENATOR BONACIC: Thank you,
25 Senator Kruger.

1 SENATOR CARL KRUGER: Thank you.

2 SENATOR BONACIC: Would you yield
3 for another question?

4 ACTING PRESIDENT SAVINO: Senator
5 Kruger, will you continue to yield?

6 And I would remind the members to
7 try and keep the questions germane to the bill
8 that is before the house.

9 SENATOR CARL KRUGER: I continue
10 to yield, Madam President.

11 ACTING PRESIDENT SAVINO: Senator
12 Bonacic.

13 SENATOR BONACIC: Senator Kruger,
14 as the Ways and Means chairman of that
15 committee and a spokesperson for the
16 Democratic conference in the Senate, can you
17 tell me if your conference is prepared to vote
18 for a legislative budget without the consent
19 of the Governor if the Assembly leadership
20 agrees with --

21 SENATOR CARL KRUGER: Senator --
22 Senator --

23 ACTING PRESIDENT SAVINO: Senator
24 Kruger, please.

25 Senator Bonacic, that question is

1 out of order. It is not germane to the bill
2 that is before the house.

3 SENATOR BONACIC: Madam
4 President, it's very germane. We started our
5 conversation with how many extenders are we
6 going to do.

7 ACTING PRESIDENT SAVINO: Senator
8 Bonacic -- Senator Bonacic --

9 SENATOR BONACIC: There is a
10 process for a budget approval.

11 ACTING PRESIDENT SAVINO: The
12 questions you put forward to Senator Kruger
13 were hypothetical questions. They are not
14 germane to the bill before the house. I would
15 please respectfully request that you restrict
16 your questions to the bill that is before the
17 house.

18 SENATOR CARL KRUGER: Madam
19 President, for the purposes of clarity, one
20 more time I would like to repeat that this
21 majority, the Democratic majority in this
22 house, before the Assembly and before anyone
23 else, sponsored and passed budget resolutions
24 that created the framework for continued
25 negotiations.

1 So after we get through with all
2 the hypothetical and after we get through with
3 all the maybes and all the supposes, the bill
4 before us now is an emergency appropriation
5 bill. I want the man or woman to stand up
6 tonight and be counted that is willing to say
7 that in no uncertain terms they're willing to
8 walk out of this chamber tonight and not pass
9 this bill and go back to their motel or
10 wherever they're going, confident and
11 comfortable with the realization and the
12 recognition that we jeopardized the very
13 function of government, that we put in harm's
14 way every correction officer, every nurse,
15 every public employee that's due to get paid,
16 every vendor that has to get paid, every
17 single program and every not-for-profit that
18 has to get funded under this appropriation
19 bill.

20 So whether I'm out of order or not,
21 what I want to do is I want to grab the facts
22 back so that we can vividly, clearly depict
23 the issue before us tonight. And tonight the
24 issue is very, very clear. Do we want to play
25 chicken with the Governor and walk out of this

1 chamber in lockstep, perhaps with the
2 realization that for the first time in the
3 history of this state we have ground
4 government down to a halt --

5 SENATOR LIBOUS: Madam President.

6 SENATOR CARL KRUGER: -- or in
7 the alternative -- or, in the alternative, act
8 responsibly and deal with the bill at hand?

9 SENATOR LIBOUS: Madam President,
10 will Senator Kruger yield to a question?

11 ACTING PRESIDENT SAVINO: Senator
12 Bonacic has the floor.

13 SENATOR BONACIC: On the
14 extender.

15 Senator Kruger, what I was trying
16 to get at was that we could have a budget of
17 26 extenders or 52 extenders if there's no
18 meeting of the mind between the Senate
19 resolution, which the Democrats passed, with
20 the resolution passed in the Assembly, and the
21 Governor. That is a way of having a budget
22 spread over 52 weeks.

23 And the purpose of me asking you a
24 series of questions was whether or not are you
25 prepared, if there were a meeting of the minds

1 with the Senate resolution bill and the
2 Assembly resolution bill, to vote on a
3 legislative budget bill. Because then the
4 process would move forward. And then the
5 Governor, under the Constitution, would have
6 the power to either approve or veto, but we
7 would have a budget.

8 So the fact that we continually do
9 not pass a legislative budget delays a final
10 budget. And that's the purpose of the series
11 of questions.

12 I will be voting for the extender,
13 because right now I'm not prepared to close
14 government down. But at some point when the
15 school budgets have to be voted on, are we
16 going to still keep delaying and keep the
17 uncertainty going and incur the wrath of the
18 people of the State of New York against all of
19 us if we're unable to produce a final budget
20 when we have it in our power to do a
21 legislative budget and move the process
22 forward and take our chances on whether the
23 Governor will approve or veto or line-item
24 what's in that budget?

25 So thank you, Senator Kruger. And

1 thank you, Madam President. I'm going to vote
2 aye.

3 ACTING PRESIDENT SAVINO: Senator
4 Libous.

5 SENATOR LIBOUS: Thank you, Madam
6 President.

7 Senator Kruger, you just got up and
8 spoke about halting government and not paying
9 people. But it's okay not to pay the
10 contractors that we put an amendment on the
11 floor to pay. The contractors who are
12 building buildings at our university centers,
13 you say no to them; that's okay. Or those who
14 are repairing our roads and bridges in the
15 private sector, you say no to them. But
16 you're concerned about halting government.

17 Senator Liz Krueger -- and she's
18 not here right now. I wish she was. When she
19 sat on this side of the aisle, she always
20 talked about reform. And she said just a few
21 moments ago that the government is not going
22 to operate, I dare someone to vote so that the
23 government doesn't operate.

24 Senator Krueger, the government
25 isn't operating. There's no budget. Ask the

1 people of this state. It's not functioning.
2 They don't believe that this government is
3 operating. There's no budget. It's the 19th
4 of April. There's no conference committees.

5 Senator Kruger, you stood up, sir,
6 and you said that there are three-way
7 negotiations, admitting that two partners, two
8 parties are being left out. That's why we
9 want conference committees.

10 Ladies and gentlemen, my
11 colleagues, several members of the other side
12 of the aisle have also asked for conference
13 committees.

14 Senator Sampson, sir, you're the
15 leader of the Democratic Conference. I have
16 great respect for you. It is time to commence
17 conference committees. To sit here and say
18 that we're going to shut government down, no,
19 quite frankly, the people of any district have
20 had it. They've had it with government.
21 They're not happy. They want government to
22 shut down. They want a wake-up call.

23 They want the people in this
24 chamber, the people who control this chamber,
25 the Democrats who control this chamber to

1 begin to follow the law and commence with
2 conference committees. It's the law. We all
3 voted for it. I showed that last week. I
4 believe it was 58 to nothing.

5 It's time, folks. We can sit here
6 and banter. But I'm not afraid to vote no
7 this week, because that's what my constituents
8 want. They've had it. They've had it. They
9 want things to come to a halt. They want you
10 to wake up. They want you to get your job
11 done, do your job. They had to pay their
12 taxes on the 15th. What happens if they
13 didn't pay their state taxes? Somebody's
14 going to come after them. But the legislators
15 who make the laws don't have to pass a budget
16 on time. They don't have to follow the law
17 that they passed. I said this last week, and
18 I'm going to keep saying it every week until
19 there's a budget done. Because that's how the
20 people in my district feel.

21 And guess what? Ask the people in
22 your district if they feel the same way.
23 They're not happy with you. They're not happy
24 with you at all. They want you to do your
25 job.

1 So all I ask you to do, Leader, is
2 let's follow the law that we all voted for in
3 2007. Let's follow that law, let's commence
4 the conference committees, and then we can
5 talk about, Senator Kruger, your blueprint,
6 your blueprint that raised taxes over a
7 billion dollars and never had a financial
8 plan. But that's okay, you had a blueprint.

9 I want to sit at a conference
10 committee so I can discuss the ideas. I want
11 to be able to share with you my thoughts and
12 ideas. But I can't do that, because there are
13 no conference committees commencing. So the
14 only chance we get is right here on the floor.

15 And, Madam President, I am
16 concerned about something in this chamber.
17 All I hear is germaneness, germaneness. This
18 is where we come. This is where we work.
19 This is where we express ourselves. You know,
20 I've served here 22 years. And when I was in
21 the majority, the minority always let us
22 express ourselves, and the majority always let
23 the minority express themselves. When we
24 start holding the line on the opportunity to
25 speak, the right our constituents gave us to

1 come here and represent them, then I get very,
2 very nervous, Madam President.

3 So I'm not going to vote for this
4 bill this time. I think it's time for the
5 wake-up call. I'm going to go back and tell
6 my constituents why I didn't vote for it.

7 And again, to Senator Krueger --
8 and I wish you were here -- government is
9 already not functioning. It's not
10 functioning.

11 ACTING PRESIDENT SAVINO: Senator
12 Marcellino.

13 SENATOR MARCELLINO: Let me add a
14 second to Senator Libous. Government has
15 ceased to operate already.

16 Senator Bonacic pointed out in the
17 hypothetical sense that we could have 52 weeks
18 of extenders. Now, this is not what we need.
19 This is not what the people want. This is not
20 what the people expect.

21 Every time I drive up here, I cross
22 the Throgs Neck Bridge. The Throgs Neck
23 Bridge a couple of years ago had a fire which
24 severely damaged the on-ramps and the
25 off-ramps to that bridge on the Queens side.

1 They've been working on that project,
2 repairing it, and fixing the undercarriage of
3 the bridge. All that work has stopped because
4 those contractors are not getting paid.

5 Now, that's a safety factor for one
6 of the major bridges leading off of
7 Long Island into the city and into the Bronx.
8 This can't be allowed to happen.

9 There are other projects like that,
10 throughout the districts, throughout the
11 state, that have stopped that deal with the
12 safety of our constituents, the safety of the
13 people of the State of New York, that are not
14 getting funded. This has never happened
15 before in extender bills.

16 I voted for a lot of the extender
17 bills before -- reluctantly, but I did it.
18 Because at least I knew that whatever had to
19 be done, whatever contracts were legally
20 gotten into were funded, were paid for. This
21 is not the case now. This is the first time
22 we've had a series of extenders which didn't
23 pay the bills, the contracts that we, the
24 State of New York, legally engaged in, signed
25 up, contracted for, and got people to work.

1 These workers are not being -- they're not
2 working, they're being laid off.

3 Those contracts all have clauses in
4 them to give bonuses if you finish early and
5 penalties if you finish late. We've wiped all
6 those benefits right off the map. None of
7 that works.

8 School districts are coming ahead.
9 They're going to need to know with assurances
10 what's in the budget, what can we count on.
11 Are we going to fund special education or not?
12 Are we going to fund the EPF or not? Are we
13 going to fund a whole bunch of programs or
14 not? Not simply pay workers. I agree with
15 paying workers. They work hard; they deserve
16 to get paid. But there's a whole bunch of
17 other things that a budget means that an
18 extender bill doesn't go for, that it doesn't
19 do.

20 This is important. The Majority is
21 missing the boat. If you allow this to
22 continue, you are making a major mistake. My
23 constituents will not tolerate this. They
24 tell me every time, Get it done, Carl, get it
25 done or we're going to take everybody out.

1 Everybody.

2 They're not happy with this. I'm
3 not happy with this. I don't believe anybody
4 on the other side is happy with it. So why
5 are you tolerating it? Let's get it over
6 with. Let's make a budget, for God's sakes.
7 If we're that close, put it on the table,
8 let's vote on it. I'm reading about fees
9 going to raise, I'm reading about taxes going
10 to increase, I'm reading about billions of
11 dollars' worth of borrowing that are going to
12 come out. Well, where is it? Come on, put it
13 on the table, let's discuss it. Instead of
14 putting these extender bills which don't do
15 the job, which don't run government.

16 This is a charade. We're
17 pretending, by passing this bill, we're going
18 to extend and keep government operating.
19 That's nonsense. Government is not operating
20 now. It is a charade to say it. It is a
21 sham. And this is not what we should be doing
22 here. None of us was sent here for that.
23 None of us was sent here for that. The
24 majority has an obligation to get this thing
25 done. And the fact that you're not bringing

1 the minorities into it, that's an equal shame
2 that should not be perpetuated.

3 There was a mistake made last year.
4 The budget was a disgrace, \$9.2 billion of a
5 disgrace in debt. Wrong. Wrong. You're
6 going through the same motion again. What's
7 the definition of insanity, doing the same
8 thing over and over again and expecting a
9 different result? You're doing the same thing
10 you did last year and expecting a different
11 result.

12 Ladies and gentlemen, we all should
13 vote no on this extender.

14 ACTING PRESIDENT SAVINO: Senator
15 Flanagan.

16 SENATOR FLANAGAN: Pass.

17 ACTING PRESIDENT SAVINO: Senator
18 Flanagan passes.

19 Are there any other Senators
20 wishing to be heard on the bill?

21 Hearing none, the debate is closed.
22 The Secretary will please ring the bells.

23 Senator Libous, why do you rise?

24 SENATOR LIBOUS: Madam President,
25 could I request a slow roll call on this bill,

1 please?

2 ACTING PRESIDENT SAVINO: We
3 haven't called the roll yet, Senator Libous,
4 but we will.

5 SENATOR LIBOUS: When we do, I
6 request a slow roll call.

7 ACTING PRESIDENT SAVINO: Read
8 the last section.

9 THE SECRETARY: Section 18. This
10 act shall take effect immediately.

11 ACTING PRESIDENT SAVINO: A slow
12 roll call has been requested.

13 The Secretary will call the roll
14 slowly.

15 THE SECRETARY: Senator Adams.

16 SENATOR ADAMS: Aye.

17 THE SECRETARY: Senator Addabbo.

18 SENATOR ADDABBO: Aye.

19 THE SECRETARY: Senator Alesi.

20 SENATOR ALESI: Aye.

21 THE SECRETARY: Senator

22 Aubertine.

23 SENATOR AUBERTINE: Aye.

24 THE SECRETARY: Senator Bonacic.

25 SENATOR BONACIC: Yes.

1 THE SECRETARY: Senator Breslin.

2 SENATOR BRESLIN: Yes.

3 THE SECRETARY: Senator

4 DeFrancisco.

5 SENATOR DeFRANCISCO: No.

6 THE SECRETARY: Senator Diaz.

7 SENATOR DIAZ: Yes.

8 THE SECRETARY: Senator Dilan.

9 SENATOR DILAN: Yes.

10 THE SECRETARY: Senator Duane.

11 SENATOR DUANE: Yes.

12 THE SECRETARY: Senator Espada.

13 SENATOR ESPADA: Yes.

14 THE SECRETARY: Senator Farley.

15 SENATOR FARLEY: Aye.

16 THE SECRETARY: Senator Flanagan.

17 SENATOR FLANAGAN: No.

18 THE SECRETARY: Senator Foley.

19 ACTING PRESIDENT SAVINO: Senator

20 Foley, to explain his vote.

21 SENATOR FOLEY: Thank you, Madam

22 President.

23 We heard much decision and debate
24 this afternoon about contractors and also the
25 safety issue. And it should be clear for the

1 record that a number of us attempted to
2 prevail upon the Governor to include in this
3 particular extender a substantial amount of
4 funding for our roads, our contractors, our
5 bridges, because we have safety uppermost in
6 our minds.

7 Unfortunately, the executive branch
8 has not included those monies, and therefore I
9 reluctantly vote yes. But it's my hope and
10 expectation that right and reason will
11 eventually prevail and we can move forward
12 with these projects that both sides of the
13 aisle want to see moved forward. And it's my
14 hope that we'll be able, with our next vote,
15 in the next week or so, where those monies
16 will be excluded.

17 So reluctantly, Madam President,
18 I'll be voting yes.

19 ACTING PRESIDENT SAVINO: Senator
20 Foley will be recorded in the affirmative.

21 The Secretary will continue to call
22 the roll.

23 THE SECRETARY: Senator
24 Fuschillo.

25 SENATOR FUSCHILLO: Yes.

1 THE SECRETARY: Senator Golden.

2 SENATOR GOLDEN: No.

3 THE SECRETARY: Senator Griffo.

4 SENATOR GRIFFO: No.

5 THE SECRETARY: Senator Hannon.

6 SENATOR HANNON: To explain my
7 vote, Madam President.

8 ACTING PRESIDENT SAVINO: Senator
9 Hannon, to explain his vote.

10 SENATOR HANNON: The past several
11 weeks, as we've had extenders, I've voted yes.
12 I feel the total absence of any significant
13 work whatsoever by this majority on this
14 budget is going to lead us to a point where
15 people will say we have no other alternative,
16 we have to do all of these revenue-raising
17 actions, and I object to that.

18 And I object to the lack of
19 discussion. I object to the lack of
20 conference committees. And somebody would
21 say, well, you'll hear the type of cry that
22 Senator Krueger put forward of what you're
23 denying by voting no. To my mind, it doesn't
24 matter. Because over the weekend these
25 automatic phone calls came into my district,

1 and they were sheer lies. So if you're going
2 to do that when I was trying to do the right
3 thing, you're going to do that anyway.

4 What I'm asking you to do is do the
5 right thing. This process is not working.
6 You're in charge. And you have to make it
7 work. Otherwise the people of this state are
8 going to really suffer.

9 I vote no.

10 ACTING PRESIDENT SAVINO: Senator
11 Hannon will be recorded in the negative.

12 The Secretary will continue to call
13 the roll.

14 THE SECRETARY: Senator
15 Hassell-Thompson.

16 SENATOR HASSELL-THOMPSON: Yes.

17 THE SECRETARY: Senator Huntley.

18 SENATOR HUNTLEY: Yes.

19 THE SECRETARY: Senator C.
20 Johnson.

21 SENATOR CRAIG JOHNSON: Yes.

22 THE SECRETARY: Senator O.
23 Johnson.

24 SENATOR OWEN JOHNSON: Yes.

25 THE SECRETARY: Senator Klein.

1 SENATOR KLEIN: Yes.

2 THE SECRETARY: Senator

3 L. Krueger.

4 SENATOR LIZ KRUEGER: Yes.

5 THE SECRETARY: Senator C.

6 Kruger.

7 SENATOR CARL KRUGER: Yes.

8 THE SECRETARY: Senator Lanza.

9 SENATOR LANZA: Yes.

10 THE SECRETARY: Senator Larkin.

11 SENATOR LARKIN: To explain my
12 vote, Madam President.

13 ACTING PRESIDENT SAVINO: Senator
14 Larkin, to explain his vote.

15 SENATOR LARKIN: Fifteen minutes
16 ago, I got my third phone call here and they
17 said, "Are we in or are we out?" I said,
18 "You're out." So they said, "Okay, now we are
19 second-class citizens. They admit we're
20 second-class citizens. We did the work, you
21 don't want to pay us."

22 Now, I heard the nonsense going
23 back and forth about the Governor this, the
24 Governor that. You slam down this bill today,
25 and the Governor will have one tomorrow that

1 will pay every one of these bills out.

2 We're making a charade of it. The
3 people back home -- if you haven't been
4 talking to your people, you're mistaken.
5 They're mad as hell, because their question is
6 "When are you going to do something?"

7 Now, I've voted for these extenders
8 before, but I won't today. Because I said to
9 them, "I will not vote to make you a
10 second-class citizen."

11 I vote no.

12 ACTING PRESIDENT SAVINO: Senator
13 Larkin to be recorded in the negative.

14 The Secretary will continue to call
15 the roll.

16 THE SECRETARY: Senator LaValle.

17 ACTING PRESIDENT SAVINO: Senator
18 LaValle, to explain his vote.

19 SENATOR LaVALLE: My two
20 colleagues who preceded me really articulated
21 very well, Senator Larkin and certainly
22 Senator Hannon, why I am going to change my
23 vote, as I have on the extenders, from yes to
24 no.

25 It has been a policy here in the

1 Legislature that when the Governor does
2 something and we are unhappy with that -- like
3 contractors not getting paid, ceasing to work
4 on projects -- that the best way of getting
5 the Governor's attention is to say to the
6 Governor we in this Legislature disagree with
7 you, and we have an authority to act as a
8 Legislature and we're not going to go along
9 with you creating safety issues around this
10 state.

11 At state universities, to stop
12 work -- we talk about stimulus projects.
13 There are wonderful stimulus projects lined up
14 across this state at state universities,
15 projects that have been funded, projects that
16 have begun. And we just stopped things cold?

17 I think, as I had stated last week,
18 and it's something that really has bothered me
19 and I'm sure bothers the people, we are flying
20 in the face -- this party, Democrat party, is
21 saying to a law that they voted for, nah,
22 we're not going to do conference committees,
23 we're not going to establish a process.

24 We cannot set up two standards, one
25 for our constituents that says abide by the

1 law and one which we say, nah, we don't want
2 to go along with that law.

3 So I am sending and the people of
4 the First District are sending a message to
5 the Governor and to the Majority that we need
6 a budget, we need it now, and we need a
7 process.

8 And by the way, I hope we don't
9 have conference committees after we get a
10 budget and then we have this show like, oh,
11 we're going to have conference committees with
12 no real discussion.

13 I vote no, Madam President.

14 ACTING PRESIDENT SAVINO: Senator
15 LaValle to be recorded in the negative.

16 The Secretary will continue to call
17 the roll.

18 THE SECRETARY: Senator Leibell
19 voting in the affirmative earlier today.

20 Senator Libous.

21 SENATOR LIBOUS: To explain my
22 vote, Madam President.

23 ACTING PRESIDENT SAVINO: Senator
24 Libous, to explain his vote.

25 SENATOR LIBOUS: Madam President,

1 I sense you're getting tired of me today.

2 ACTING PRESIDENT SAVINO: I'm
3 just tired.

4 SENATOR LIBOUS: Madam President,
5 I have always voted for extenders. And today
6 I'm going to vote against this extender.

7 I'm voting against it because the
8 hardworking taxpayers in my district, the
9 people who go to work every day, the people
10 who had to pay their taxes on time on
11 April 15th, the people who have to obey the
12 laws that are passed in this house and in the
13 other house and signed by the Governor every
14 day, are fed up with the way Albany is
15 functioning -- or maybe they're fed up with
16 the dysfunction, is a better way to put it.

17 To my colleague Senator Foley, I
18 think the best way to pay those contractors is
19 to vote no and send the bill back to the
20 Governor so he'll adjust it so the contractors
21 get paid. Continuing to sit here and talk
22 about how I wrote a letter to the Governor or
23 we asked the Governor -- the bottom line is
24 they're not getting paid. Men and women are
25 losing their jobs all over this state.

1 They're losing their jobs. There are work
2 orders that are being stopped as we stand here
3 and debate this extender bill.

4 So, Madam President, on behalf of
5 the men and women who work hard every day and
6 want to see results and want accountability
7 from Albany, I vote no on this bill.

8 ACTING PRESIDENT SAVINO: Senator
9 Libous to be recorded in the negative.

10 The Secretary will continue to call
11 the roll.

12 THE SECRETARY: Senator Little.

13 SENATOR LITTLE: Yes.

14 THE SECRETARY: Senator
15 Marcellino.

16 SENATOR MARCELLINO: No.

17 THE SECRETARY: Senator Maziarz.

18 SENATOR MAZIARZ: Yes.

19 THE SECRETARY: Senator McDonald.

20 SENATOR McDONALD: Yes.

21 THE SECRETARY: Senator
22 Montgomery.

23 SENATOR MONTGOMERY: Yes.

24 THE SECRETARY: Senator Morahan,
25 excused.

1 Senator Nozzolio.
2 SENATOR NOZZOLIO: No.
3 THE SECRETARY: Senator Onorato.
4 SENATOR ONORATO: Yes.
5 THE SECRETARY: Senator
6 Oppenheimer.
7 SENATOR OPPENHEIMER: Yes.
8 THE SECRETARY: Senator Padavan.
9 SENATOR PADAVAN: Yes.
10 THE SECRETARY: Senator Parker.
11 SENATOR PARKER: Yes.
12 THE SECRETARY: Senator Peralta.
13 SENATOR PERALTA: Yes.
14 THE SECRETARY: Senator Perkins.
15 SENATOR PERKINS: Yes.
16 THE SECRETARY: Senator
17 Ranzenhofer.
18 SENATOR RANZENHOFER: No.
19 THE SECRETARY: Senator Robach.
20 SENATOR ROBACH: Yes.
21 THE SECRETARY: Senator Saland.
22 SENATOR SALAND: To explain my
23 vote, Madam President.
24 ACTING PRESIDENT SAVINO: Senator
25 Saland, to explain his vote.

1 SENATOR SALAND: Thank you, Madam
2 President.

3 Madam President, I've listened to
4 this debate in its entirety and, quite
5 candidly, identify most with the remarks of
6 Senator DeFrancisco, Senator Hannon, Senator
7 Libous, just to name a few.

8 And yet I have never voted against
9 an extender, and I'm really challenged by this
10 particular vote. I think I remarked with the
11 last extender that I wasn't prepared to say
12 that I was going to vote for these extenders
13 indefinitely.

14 Being in the majority, as
15 distinguished from being in the minority, is
16 like two different universes here in Albany,
17 as was aptly pointed out by Senator
18 DeFrancisco in his exchange with Senator
19 Kruger.

20 There's not going to be any divine
21 intervention. Nothing is going to come down
22 from on high that's going to rescue you from
23 the responsibility of the decisions that you
24 have to make. You can't wish it away, nor can
25 you bury your head in the sand and hope that

1 somehow or other it's going to go away.

2 Each and every day makes the
3 challenge greater. And as difficult as this
4 year is, it will pale by comparison to what's
5 in store for us next year with the stimulus
6 money that's been squandered.

7 I'm deeply troubled by the reality
8 of a rudderless ship and this is a rudderless
9 ship. There's no leadership coming from the
10 second floor, there's no leadership coming
11 from this house. And as usual, the other
12 house is playing it close to the vest and Lord
13 only knows what they will be doing.

14 Notwithstanding my enormous
15 reservations, I am going to vote for this
16 extender. But I suspect that the next time
17 around I probably will find myself aligning
18 with my colleagues who are voting no, because
19 that I think is the only way to get a wake-up
20 call. Government is not functioning, and we
21 are merely giving license to it continuing to
22 not function. We have to do something. A
23 wish and a prayer just doesn't work anymore,
24 folks. Let's get something done.

25 ACTING PRESIDENT SAVINO: Senator

1 Saland to be recorded in the affirmative.

2 The Secretary will continue to call
3 the roll.

4 THE SECRETARY: Senator Sampson.

5 SENATOR SAMPSON: To explain my
6 vote, Madam President.

7 ACTING PRESIDENT SAVINO: Senator
8 Sampson, to explain his vote.

9 SENATOR SAMPSON: To follow up
10 what Senator Saland said, it's not a wish and
11 a prayer that we're dealing with this issue.
12 And, you know, I respect all my colleagues.
13 And I understand the predicament with respect
14 to the contractors and having government work.
15 But you know, we all forget history, how we
16 got into this predicament that we're in today.

17 We talk about extenders. When you
18 were in the prior majority, you passed
19 extenders. I remember one year I was here, we
20 waited until August to do a budget.

21 The people of New York State don't
22 care whether you're a Democrat or Republican,
23 they're concerned about a budget that is
24 reflective of a cut in spending, property tax
25 relief, and creating jobs. That is what we're

1 going to be measured on in November, some of
2 us in September.

3 We keep saying the lack of
4 leadership, so we can question the prior
5 majority's leadership when there were late
6 budgets, when you had -- you talk about New
7 York City Democrats -- when you had the
8 Governor was a Republican, the Senate majority
9 leader was a Republican, and we still had late
10 budgets. Because there were issues and
11 concerns that you wanted to make sure you
12 included in the budget.

13 But at the end of the day, if we're
14 so brazen and want government to stop
15 operating, let's do that then. Let's see what
16 happens.

17 But it's not a question of
18 challenging. What I'm challenging everybody
19 is the point of responsibility. We understand
20 what our responsibility is. And we will have
21 a budget. But at the end of the day, by
22 throwing stones back and forth, it's not going
23 to get us anywhere.

24 We talked about our resolution. We
25 created a road map. We have not seen one plan

1 yet. Not one plan, not one idea. You know,
2 if you talk about working together, where is
3 the plan? Not one plan. You can't sit over
4 there on the sidelines and expect to throw
5 bombs all the time without engaging in a
6 dialogue.

7 At the end of the day, we're all
8 going to be responsible to the people in
9 November. And the question is whether or not
10 we did our responsibilities. Everybody talks
11 about an on-time budget, but you need a good
12 budget to make sure we have property tax
13 relief, cut spending, and also creating jobs.
14 That is going to be our benchmark how people
15 are going to be measured with respect to this
16 November.

17 Madam President, I vote yes.

18 ACTING PRESIDENT SAVINO: Senator
19 Sampson will be recorded in the affirmative.

20 The Secretary will continue to call
21 the roll.

22 THE SECRETARY: Senator Savino.

23 ACTING PRESIDENT SAVINO: Yes.

24 THE SECRETARY: Senator
25 Schneiderman.

1 SENATOR SCHNEIDERMAN: Yes.

2 THE SECRETARY: Senator Serrano.

3 SENATOR SERRANO: Yes.

4 THE SECRETARY: Senator Seward.

5 SENATOR SEWARD: To explain my
6 vote.

7 ACTING PRESIDENT SAVINO: Senator
8 Seward, to explain his vote.

9 SENATOR SEWARD: Thank you, Madam
10 President.

11 I listened intently to Senator
12 Sampson's comments. And I can well remember
13 being involved here till August on a couple of
14 occasions without a state budget in the past.
15 That is ancient history.

16 Because the then-majority on this
17 side, working in a bipartisan way with the
18 other house, we started the concept of
19 conference committees -- informally, without a
20 formal law for several years -- and we had a
21 much better record of passing on-time budgets.
22 And then in 2007 we actually passed a law in a
23 bipartisan way, a budget reform law setting up
24 and formalizing the conference committee
25 process.

1 Now, we have heard a lot tonight
2 about following the law. The taxpayers, the
3 income taxpayers of this state followed the
4 law on April 15th. They filed their tax
5 returns. This week the school boards across
6 this state are going to follow the law and
7 pass their local school board budgets without
8 any idea, any idea what their school aid is
9 going to be this year.

10 Sixteen Democrats signed a letter:
11 No cuts in school aid. The following week,
12 they passed a budget resolution cutting school
13 aid.

14 The school boards of our state are
15 confused about what they should do this week,
16 because there's no budget in place. But
17 they're going to follow the law and blindly
18 pass their budgets without knowledge of the
19 state aid.

20 The contractors, that's been
21 discussed very, very much tonight as well.
22 They're out there, off the job in most cases,
23 because they're not getting paid. Their
24 workers are unemployed.

25 So instead of following the law,

1 we've heard from the Democrat side tonight, as
2 we do every time an extender comes up, vague
3 comments about closed-door meetings. Weak
4 appeals to the Governor that go unanswered.
5 It's time we, number one, followed the law,
6 get the conference committees going. And,
7 number two, send a strong message to the
8 Governor that we want, number one, a budget in
9 place, but if it's not in place, an extender
10 that truly reflects the needs of the people of
11 the State of New York.

12 Because this extender before us,
13 Madam President, to be germane, does not meet
14 that criteria, I vote no.

15 ACTING PRESIDENT SAVINO: Senator
16 Seward to be recorded in the negative.

17 The Secretary will continue to call
18 the roll.

19 THE SECRETARY: Senator Skelos:
20 No.

21 Senator Smith: Aye.

22 Senator Squadron.

23 SENATOR SQUADRON: Yes.

24 THE SECRETARY: Senator
25 Stachowski.

1 SENATOR STACHOWSKI: Yes.
2 THE SECRETARY: Senator Stavisky.
3 SENATOR STAVISKY: Yes.
4 THE SECRETARY: Senator
5 Stewart-Cousins.
6 SENATOR STEWART-COUSINS: Yes.
7 THE SECRETARY: Senator Thompson.
8 SENATOR THOMPSON: Yes.
9 THE SECRETARY: Senator Valesky.
10 SENATOR VELELLA: Yes.
11 THE SECRETARY: Senator Volker.
12 SENATOR VOLKER: No.
13 THE SECRETARY: Senator Winner.
14 SENATOR WINNER: No.
15 THE SECRETARY: Senator Young.
16 SENATOR YOUNG: No.
17 ACTING PRESIDENT SAVINO:
18 Announce the results.
19 THE SECRETARY: Ayes, 45. Nays,
20 16.
21 ACTING PRESIDENT SAVINO: The
22 bill is passed.
23 Senator Klein, that completes the
24 reading of the controversial supplemental
25 calendar.

1 SENATOR KLEIN: Madam President,
2 is there any further business at the desk?

3 ACTING PRESIDENT SAVINO: Senator
4 Klein, the desk is clear.

5 SENATOR KLEIN: There being no
6 further business, Madam President, I move that
7 we adjourn until Tuesday, April 20th, at
8 3:00 p.m.

9 ACTING PRESIDENT SAVINO: There
10 being no further business to come before the
11 Senate, on motion, the Senate stands adjourned
12 until Tuesday, April 20th, at 3:00 p.m.

13 (Whereupon, at 7:55 p.m., the
14 Senate adjourned.)

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