NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 19, 2010

4:20 p.m.

REGULAR SESSION

SENATOR DIANE SAVINO, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

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

REVEREND YOUNG: Thank you, Senator.

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

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

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

Amen.

ACTING PRESIDENT SAVINO: The reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

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

ACTING PRESIDENT SAVINO: So ordered.

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

ACTING PRESIDENT SAVINO: So ordered.

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

ACTING PRESIDENT SAVINO: So ordered.

SENATOR KLEIN: On behalf of

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

ACTING PRESIDENT SAVINO: So ordered.

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

ACTING PRESIDENT SAVINO: So ordered.

Senator Klein.

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

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

SENATOR KLEIN: Yes, it has,

Madam President.

ACTING PRESIDENT SAVINO: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Thank you, Madam President.

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

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Stavisky.

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Diaz.

SENATOR DIAZ: Thank you, Madam President.

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

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

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

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

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

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

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

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

By 1881, after the death of

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

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

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

In 1887, Theodor Herzl organized the Zionism movement.

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Adams.

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

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

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

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

friend.

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

Thank you.

ACTING PRESIDENT SAVINO: Senator Smith.

SENATOR SMITH: Thank you very much, Madam President.

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

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

And I talked to them also about the

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

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

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

Thank you very much.

ACTING PRESIDENT SAVINO: Senator L. Krueger.

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

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

struggles it continues to go through.

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

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

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

And today we are recognizing that

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Squadron.

SENATOR SQUADRON: Thank you, Madam President.

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

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

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

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

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

It's so important not just for American Jewry -- though it is -- and for Jews around the world, it's an incredibly important nation and relationship for our nation. Because of its democratic traditions, because of its strong and continued alliance and friendship with this country, because of the ways it has negotiated through such difficult shoals, often on behalf of or with America its right side. And that is so important.

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

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

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Andrea Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Madam President.

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

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

I learned so much. But mostly I

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

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

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

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

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

Israel certainly represents that.

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

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

ACTING PRESIDENT SAVINO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Madam President.

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT SAVINO: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you.

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

But I just briefly want to

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

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

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

amazing years.

Thank you.

ACTING PRESIDENT SAVINO: Senator C. Kruger.

SENATOR CARL KRUGER: Thank you, Madam President.

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

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

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

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

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

Thank you.

ACTING PRESIDENT SAVINO: Senator

C. Johnson.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Marcellino.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Madam President.

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The resolution is adopted.

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

listed as a cosponsor please notify the desk.

Senator Klein.

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

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

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT SAVINO: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Parker.

SENATOR PARKER: Thank you, Madam

President. On the resolution.

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT SAVINO: Senator Smith.

SENATOR SMITH: Thank you very

much, Madam President.

I rise to congratulate Senator Parker on this particular resolution.

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

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

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

for so long.

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

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

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

history, on history, the way he has done.

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

Thank you, and God bless you for this.

ACTING PRESIDENT SAVINO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

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

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

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

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

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

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

Senator Diaz.

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

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

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

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

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

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

joined by saints and joined by great people.

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

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

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

Thank you.

ACTING PRESIDENT SAVINO: Thank you.

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO:

Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The resolution is adopted.

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

Senator Klein.

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

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

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

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

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

(Whereupon, the Senate reconvened

at 6:03 p.m.)

ACTING PRESIDENT SAVINO: Senator Klein.

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

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

The Secretary will read.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The

Rules Committee report is adopted.

Senator Klein.

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

ACTING PRESIDENT SAVINO: Read the last section.

THE SECRETARY: Section 4. This act --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT SAVINO: The bill is laid aside.

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

ACTING PRESIDENT SAVINO: Read the last section.

THE SECRETARY: Section 2.

This --

SENATOR KLEIN: Lay the bill aside for the day.

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

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

SENATOR KLEIN: Lay the bill aside for the day.

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

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

SENATOR KLEIN: Lay the bill aside for the day.

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

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

ACTING PRESIDENT SAVINO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 56. Nays, 4.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT SAVINO: The bill is passed.

THE SECRETARY: Calendar Number

329, by Senator Huntley --

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

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

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

SENATOR FLANAGAN: Lay it aside.

SENATOR LIBOUS: Lay it aside for the day.

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

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

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

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

The Secretary will read.

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

General Municipal Law.

SENATOR MARCELLINO: Explanation.

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

SENATOR CARL KRUGER: Thank you, Madam President.

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

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

ACTING PRESIDENT SAVINO: Senator Marcellino.

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

ACTING PRESIDENT SAVINO: Senator Kruger --

SENATOR CARL KRUGER: Yes, I do, Senator.

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

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

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

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

yield?

ACTING PRESIDENT SAVINO: Senator Kruger --

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

ACTING PRESIDENT SAVINO: Senator Kruger yields.

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

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

SENATOR MARCELLINO: If the Senator will continue to yield.

ACTING PRESIDENT SAVINO: Senator Kruger --

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

ACTING PRESIDENT SAVINO: Senator

Kruger continues to yield.

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

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

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

SENATOR CARL KRUGER: Thank you.

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

Senator Volker.

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

That is, a couple of years after

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

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

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

So I guess my problem with this,

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

Could I put that in the form of a question?

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

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

ACTING PRESIDENT SAVINO: Senator Kruger, do you yield?

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

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

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

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

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

SENATOR VOLKER: Thank you.

SENATOR CARL KRUGER: Thank you. Thank you.

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

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

Read the last section.

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

ACTING PRESIDENT SAVINO: Call

the roll.

(The Secretary called the roll.)

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

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

SENATOR PADAVAN: Thank you very much, Madam President.

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

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

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

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

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

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

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

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

worth the effort.

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

Thank you very much.

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

Senator DeFrancisco, to explain his vote.

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

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

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

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

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

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

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

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

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

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

Thank you. I vote no.

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

Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Madam President.

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

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

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

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

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

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

Senator L. Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Madam President.

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

responders, the emergency responders throughout the state.

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

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

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

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

affirmative.

Senator Farley, to explain his vote.

SENATOR FARLEY: Thank you, Madam President.

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

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

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

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

Senator Marcellino, to explain his

vote.

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

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

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

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

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

Thank you, Madam President. I vote no.

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

Are there any other Senators wishing to explain their vote?

Seeing none, the Secretary will announce the results.

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

Ayes, 32. Nays, 28.

ACTING PRESIDENT SAVINO: The bill is passed.

Senator Klein, that completes the

reading of the controversial calendar.

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

ACTING PRESIDENT SAVINO: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR LIBOUS: Lay it aside.

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

Senator Klein.

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The message is accepted.

Read the last section.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT SAVINO: The bill has been laid aside.

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

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

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

The Secretary will read.

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

SENATOR LIBOUS: Madam President.

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

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

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

SENATOR LIBOUS: Thank you, Madam President.

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

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

Now, what's frustrating about that,

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Point of order, Madam President.

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

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

constructor.

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

SENATOR LIBOUS: Madam President.

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

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

Senator Libous.

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

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

SENATOR LIBOUS: I do.

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

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

ACTING PRESIDENT SAVINO: No,

Senator Libous, it's not necessary.

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

SENATOR KLEIN: Madam President.

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR LIBOUS: Excuse me, Madam President --

SENATOR KLEIN: Madam President --

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

I am challenging the ruling of the chair.

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

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

SENATOR LIBOUS: Madam President, I object --

SENATOR DeFRANCISCO: Point of order. Point of order.

ACTING PRESIDENT SAVINO: Senator

DeFrancisco --

SENATOR DeFRANCISCO: May I ask you --

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

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

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

SENATOR LIBOUS: Thank you, Madam President.

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Libous, my ruling stands.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 28. Nays, 32.

ACTING PRESIDENT SAVINO: The motion fails.

The bill is before the house.

SENATOR LIBOUS: Madam President.

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

SENATOR LIBOUS: Thank you, Madam

President.

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

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

SENATOR DeFRANCISCO: Thank you, Madam President.

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

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President, point of order.

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

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

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

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

ACTING PRESIDENT SAVINO: Senator

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

SENATOR DeFRANCISCO: Move to challenge --

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

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

SENATOR DeFRANCISCO: Thank you, Madam President.

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

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

And as Senator Klein I'm sure will

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

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

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

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

Announce the results.

THE SECRETARY: Ayes, 28. Nays, 32.

ACTING PRESIDENT SAVINO: The motion fails.

The bill is before the house.

SENATOR LIBOUS: Explanation.

ACTING PRESIDENT SAVINO: Senator

Kruger, an explanation has been requested.

SENATOR CARL KRUGER: Thank you, Madam President.

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

ACTING PRESIDENT SAVINO: Senator DeFrancisco.

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

ACTING PRESIDENT SAVINO: Senator Kruger, will you yield?

SENATOR CARL KRUGER: Yes, Madam President.

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

ACTING PRESIDENT SAVINO: Excuse me, Senator DeFrancisco.

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

Proceed, please.

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

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

SENATOR CARL KRUGER: Ongoing.

(Laughter.)

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question?

SENATOR CARL KRUGER: Yes, Madam President.

ACTING PRESIDENT SAVINO: Senator Kruger will yield.

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

SENATOR CARL KRUGER: My response

was not meant to be humorous.

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

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

SENATOR CARL KRUGER: Absolutely.

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

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

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question?

ACTING PRESIDENT SAVINO: Senator Kruger?

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

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

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

SENATOR CARL KRUGER: Leadership.

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question?

ACTING PRESIDENT SAVINO: Senator Kruger --

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

ACTING PRESIDENT SAVINO: Senator Kruger will yield.

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

SENATOR CARL KRUGER: Or their surrogates.

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

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

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

SENATOR DeFRANCISCO: Were any

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

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

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

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

ACTING PRESIDENT SAVINO: Yes.

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

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

ACTING PRESIDENT SAVINO: Senator

Kruger, are you asking Senator DeFrancisco to yield?

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

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

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

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

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

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

SENATOR DeFRANCISCO: Would Senator Kruger yield --

SENATOR CARL KRUGER: That was our invitation.

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question?

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

ACTING PRESIDENT SAVINO: Yes.

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

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

SENATOR DeFRANCISCO: Thank you.

Now, would Senator Kruger yield to another question?

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

ACTING PRESIDENT SAVINO: Senator Kruger yields.

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

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

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

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

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question?

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

ACTING PRESIDENT SAVINO: Senator Kruger continues to yield.

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

Yes or no, can you answer that?

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

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

SENATOR DeFRANCISCO: On the bill.

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

SENATOR DeFRANCISCO: He sat. He sat down.

SENATOR CARL KRUGER: I've completed my presentation.

ACTING PRESIDENT SAVINO: Thank you, Senator Kruger.

Senator DeFrancisco, on the bill.

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

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

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

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

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

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

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

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

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

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

SENATOR THOMPSON: I would just

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

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

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

(Laughter.)

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Excuse me, Senator DeFrancisco.

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

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

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

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

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

(Laughter.)

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

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

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

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

not paying our bills.

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

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

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

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

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

SENATOR DeFRANCISCO: Thank you.

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

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

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

ACTING PRESIDENT SAVINO: Gall.

SENATOR ADAMS: Oh, okay.

ACTING PRESIDENT SAVINO: Thank you.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Gall?

ACTING PRESIDENT SAVINO: Yes.

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

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

ACTING PRESIDENT SAVINO: Senator DeFrancisco --

SENATOR DeFRANCISCO: -- fight those taxes.

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

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

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

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

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

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

SENATOR DeFRANCISCO: Excuse

me --

ACTING PRESIDENT SAVINO: Thank you, Senator Klein.

Senator DeFrancisco.

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

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

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

ACTING PRESIDENT SAVINO: Senator DeFrancisco --

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

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

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

ACTING PRESIDENT SAVINO: You are out of order.

SENATOR LIBOUS: No, no, Madam President --

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

SENATOR DeFRANCISCO: I'm almost done.

ACTING PRESIDENT SAVINO: Please continue, Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm almost done.

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

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

So I'm calling only each one of

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

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

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

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

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

SENATOR THOMPSON: I am asking

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

ACTING PRESIDENT SAVINO: Senator DeFrancisco, will you yield?

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

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

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

SENATOR DeFRANCISCO: Absolutely I agree with that.

SENATOR THOMPSON: Are you aware, based --

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

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

ACTING PRESIDENT SAVINO: Do you

continue to yield, Senator DeFrancisco?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT SAVINO: Yes.

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

SENATOR DeFRANCISCO: My answer is I have no idea.

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

SENATOR THOMPSON: Would he yield for a --

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

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

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

So we don't know that. Thank you.

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

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

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

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

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

SENATOR DeFRANCISCO: I'll be

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

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

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

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

Chairwoman?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT SAVINO: Senator DeFrancisco will yield.

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

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

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

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

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

SENATOR THOMPSON: If he could

just yield for the last question --

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

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

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

ACTING PRESIDENT SAVINO: Senator DeFrancisco.

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

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

ACTING PRESIDENT SAVINO: Senator DeFrancisco -- Senator DeFrancisco --

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

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

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

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

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

(Laughter.)

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

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

(Laughter.)

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

Senator L. Krueger, on the bill.

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

so much, Senator.

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

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

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

It appropriates --

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

SENATOR WINNER: Would Senator Krueger yield to a question?

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

SENATOR LIZ KRUEGER: Certainly, Senator Winner.

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

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

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

some research for you.

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

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

So did I answer the question, Senator?

SENATOR WINNER: Would Senator Krueger yield to another question?

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

SENATOR LIZ KRUEGER: Certainly, Senator.

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

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

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

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

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

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

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

I'll be voting yes, Madam President.

SENATOR WINNER: Would Senator Krueger yield to another question?

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

SENATOR LIZ KRUEGER: Yes, Senator.

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

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

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

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

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

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

SENATOR WINNER: I'm getting there.

(Laughter.)

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

ACTING PRESIDENT SAVINO: Okay.

SENATOR LIZ KRUEGER: I knew he was.

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

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

(Laughter.)

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

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

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

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

signed by the Governor, assuring continuation of government.

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

So I'll be voting yes, Madam President.

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

Senator Bonacic. Oh, excuse me, Senator Bonacic.

Senator Klein.

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

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

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Leibell.

SENATOR LEIBELL: I vote aye.

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

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

Senator Bonacic.

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

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

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

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

chamber. Thank you.

Senator Kruger, will you yield?

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

ACTING PRESIDENT SAVINO: Senator Kruger will yield.

SENATOR BONACIC: Thank you, Senator Kruger.

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

SENATOR CARL KRUGER: You mean in the hypothetical sense?

SENATOR BONACIC: The hypothetical sense.

SENATOR CARL KRUGER: I guess so.

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

SENATOR CARL KRUGER: Yes, I would.

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

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

SENATOR CARL KRUGER: What's your question?

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

SENATOR CARL KRUGER: Three-way negotiations.

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

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

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

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

SENATOR BONACIC: Thank you, Senator Kruger.

SENATOR CARL KRUGER: Thank you.

SENATOR BONACIC: Would you yield for another question?

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

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

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

ACTING PRESIDENT SAVINO: Senator Bonacic.

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

SENATOR CARL KRUGER: Senator -- Senator --

ACTING PRESIDENT SAVINO: Senator Kruger, please.

Senator Bonacic, that question is

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

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

ACTING PRESIDENT SAVINO: Senator Bonacic -- Senator Bonacic --

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

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

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

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

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

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

SENATOR LIBOUS: Madam President.

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

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

ACTING PRESIDENT SAVINO: Senator Bonacic has the floor.

SENATOR BONACIC: On the extender.

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

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

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

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

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

So thank you, Senator Kruger. And

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

ACTING PRESIDENT SAVINO: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Marcellino.

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

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

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

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

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

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

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

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

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

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

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

Everybody.

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Flanagan.

SENATOR FLANAGAN: Pass.

ACTING PRESIDENT SAVINO: Senator Flanagan passes.

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

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

Senator Libous, why do you rise?

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

please?

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

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

ACTING PRESIDENT SAVINO: Read the last section.

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

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

The Secretary will call the roll slowly.

THE SECRETARY: Senator Adams.

SENATOR ADAMS: Aye.

THE SECRETARY: Senator Addabbo.

SENATOR ADDABBO: Aye.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Aye.

THE SECRETARY: Senator Aubertine.

SENATOR AUBERTINE: Aye.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Yes.

THE SECRETARY: Senator Breslin.
SENATOR BRESLIN: Yes.
THE SECRETARY: Senator DeFrancisco.
SENATOR DeFRANCISCO: No.
THE SECRETARY: Senator Diaz.
SENATOR DIAZ: Yes.
THE SECRETARY: Senator Dilan.
SENATOR DILAN: Yes.
THE SECRETARY: Senator Duane.
SENATOR DUANE: Yes.
THE SECRETARY: Senator Espada.
SENATOR ESPADA: Yes.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: Aye.
THE SECRETARY: Senator Flanagan.
SENATOR FLANAGAN: No.
THE SECRETARY: Senator Foley.
ACTING PRESIDENT SAVINO: Senator Foley, to explain his vote.
SENATOR FOLEY: Thank you, Madam President.
We heard much decision and debate this afternoon about contractors and also the safety issue. And it should be clear for the

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

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

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

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

The Secretary will continue to call the roll.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Yes.

THE SECRETARY: Senator Golden.
SENATOR GOLDEN: No.
THE SECRETARY: Senator Griffo.
SENATOR GRIFFO: No.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: To explain my vote, Madam President.
ACTING PRESIDENT SAVINO: Senator Hannon, to explain his vote.
SENATOR HANNON: The past several weeks, as we've had extenders, I've voted yes. I feel the total absence of any significant work whatsoever by this majority on this budget is going to lead us to a point where people will say we have no other alternative, we have to do all of these revenue-raising actions, and I object to that.
And I object to the lack of discussion. I object to the lack of conference committees. And somebody would say, well, you'll hear the type of cry that Senator Krueger put forward of what you're denying by voting no. To my mind, it doesn't matter. Because over the weekend these automatic phone calls came into my district,

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

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

I vote no.

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

The Secretary will continue to call the roll.

THE SECRETARY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes.

THE SECRETARY: Senator Huntley.

SENATOR HUNTLEY: Yes.

THE SECRETARY: Senator C. Johnson.

SENATOR CRAIG JOHNSON: Yes.

THE SECRETARY: Senator O. Johnson.

SENATOR OWEN JOHNSON: Yes.

THE SECRETARY: Senator Klein.

SENATOR KLEIN: Yes.

THE SECRETARY: Senator L. Krueger.

SENATOR LIZ KRUEGER: Yes.

THE SECRETARY: Senator C. Kruger.

SENATOR CARL KRUGER: Yes.

THE SECRETARY: Senator Lanza.

SENATOR LANZA: Yes.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: To explain my vote, Madam President.

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

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

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

will pay every one of these bills out.

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

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

I vote no.

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

The Secretary will continue to call the roll.

THE SECRETARY: Senator LaValle.

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

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

It has been a policy here in the

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

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

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

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

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

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

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

I vote no, Madam President.

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

The Secretary will continue to call the roll.

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

Senator Libous.

SENATOR LIBOUS: To explain my vote, Madam President.

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

SENATOR LIBOUS: Madam President,

I sense you're getting tired of me today.

ACTING PRESIDENT SAVINO: I'm just tired.

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

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

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

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

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

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

The Secretary will continue to call the roll.

THE SECRETARY: Senator Little.

SENATOR LITTLE: Yes.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: No.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Yes.

THE SECRETARY: Senator McDonald.

SENATOR McDONALD: Yes.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: Yes.

THE SECRETARY: Senator Morahan, excused.

Senator Nozzolio.

SENATOR NOZZOLIO: No.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Yes.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Yes.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Parker.

SENATOR PARKER: Yes.

THE SECRETARY: Senator Peralta.

SENATOR PERALTA: Yes.

THE SECRETARY: Senator Perkins.

SENATOR PERKINS: Yes.

THE SECRETARY: Senator Ranzenhofer.

SENATOR RANZENHOFER: No.

THE SECRETARY: Senator Robach.

SENATOR ROBACH: Yes.

THE SECRETARY: Senator Saland.

SENATOR SALAND: To explain my vote, Madam President.

ACTING PRESIDENT SAVINO: Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Madam President.

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

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

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

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

somehow or other it's going to go away.

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

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

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

ACTING PRESIDENT SAVINO: Senator

Saland to be recorded in the affirmative.

The Secretary will continue to call the roll.

THE SECRETARY: Senator Sampson.

SENATOR SAMPSON: To explain my vote, Madam President.

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

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

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

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

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

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

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

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

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

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

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

Madam President, I vote yes.

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

The Secretary will continue to call the roll.

THE SECRETARY: Senator Savino.

ACTING PRESIDENT SAVINO: Yes.

THE SECRETARY: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes.

THE SECRETARY: Senator Serrano.

SENATOR SERRANO: Yes.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: To explain my vote.

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

SENATOR SEWARD: Thank you, Madam President.

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

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

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

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

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

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

So instead of following the law,

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

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

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

The Secretary will continue to call the roll.

THE SECRETARY: Senator Skelos: No.

Senator Smith: Aye.

Senator Squadron.

SENATOR SQUADRON: Yes.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: Yes.
THE SECRETARY: Senator Stavisky.
SENATOR STAVISKY: Yes.
THE SECRETARY: Senator Stewart-Cousins.
SENATOR STEWART-COUSINS: Yes.
THE SECRETARY: Senator Thompson.
SENATOR THOMPSON: Yes.
THE SECRETARY: Senator Valesky.
SENATOR VELELLA: Yes.
THE SECRETARY: Senator Volker.
SENATOR VOLKER: No.
THE SECRETARY: Senator Winner.
SENATOR WINNER: No.
THE SECRETARY: Senator Young.
SENATOR YOUNG: No.
ACTING PRESIDENT SAVINO: Announce the results.
THE SECRETARY: Ayes, 45. Nays, 16.
ACTING PRESIDENT SAVINO: The bill is passed.
Senator Klein, that completes the reading of the controversial supplemental calendar.

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

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

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

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

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