NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 26, 2010

3:40 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: In the absence of clergy, may we all bow our heads in a moment of silence.

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

ACTING PRESIDENT SAVINO: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Sunday, April 25, the Senate met pursuant to adjournment. The Journal of Saturday, April 24, 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 Oppenheimer, on page number 17 I offer the following amendments to Calendar Number 278, Senate Print Number 6868, and I ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT SAVINO: So ordered.

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

ACTING PRESIDENT SAVINO: So ordered.

SENATOR KLEIN: Madam President, on behalf of Senator Craig Johnson, I wish to

call up Calendar Number 214, Assembly Print Number 6484A.

ACTING PRESIDENT SAVINO: The Secretary will read the title of the bill.

THE SECRETARY: Calendar Number 214, by Member of the Assembly Latimer, Assembly Print Number 6484A, an act to amend the Public Officers Law.

SENATOR KLEIN: I now move to reconsider the vote by which this Assembly bill was substituted for my bill, Senate Print Number 6134A, on March 17, 2010.

ACTING PRESIDENT SAVINO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: I now move that Assembly Bill Number 6484A be recommitted to the Committee on Investigations and the Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT SAVINO: So

ordered.

SENATOR KLEIN: I now offer the following amendments.

ACTING PRESIDENT SAVINO: The amendments are received.

SENATOR KLEIN: Madam President, on behalf of Senator Thompson, I wish to call up Print Number 6047A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT SAVINO: The Secretary will read the title of the bill.

THE SECRETARY: Calendar Number 401, by Senator Thompson, Senate Print 6047A, an act to amend the Environmental Conservation Law.

SENATOR KLEIN: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT SAVINO: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President,

I would ask that the reprinted Senate bill have its third reading at this time.

ACTING PRESIDENT SAVINO: The bill will be placed on the Third Reading Calendar.

SENATOR KLEIN: Madam President, I wish to call up Print Number --

ACTING PRESIDENT SAVINO: Senator Klein, one second.

The Secretary will read the last section of Calendar Number 401.

THE SECRETARY: Section 5. This act shall take effect Immediately.

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT SAVINO: The bill is passed.

Senator Klein.

SENATOR KLEIN: Madam President, I wish to call up Print Number 3593B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT SAVINO: The Secretary will read the title of the bill.

THE SECRETARY: Calendar Number 297, by Senator L. Krueger, Senate Print 3593B, an act to amend the Environmental Conservation Law.

SENATOR KLEIN: Madam President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT SAVINO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

SENATOR KLEIN: Madam President, I now offer the following amendments.

ACTING PRESIDENT SAVINO: Amendments received.

Senator Klein.

SENATOR KLEIN: Madam President, I believe there are substitutions at the desk. I ask that we make the substitutions at this time.

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: On page 25, Senator Foley moves to discharge, from the

Committee on Aging, Assembly Bill Number 3397 and substitute it for the identical Senate Bill Number 4981, Third Reading Calendar 398.

ACTING PRESIDENT SAVINO: Substitution ordered.

Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a resolution at the desk by Senator Breslin. I ask that the resolution be read in its entirety and move for its immediate adoption and give Senator Breslin a chance to speak on his resolution.

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, Mr. President.

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: By Senator Breslin, legislative resolution congratulating the College of Saint Rose Women's Soccer Team upon the occasion of their appearance in the national semifinals of the 2009 NCAA Women's

College Soccer Championships.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, Attendant to such concern and in full accord with its long-standing traditions, this Legislative Body is justly proud to congratulate the College of Saint Rose Women's Soccer Team upon the occasion of their appearance in the national semifinals of the 2009 NCAA Women's College Soccer Championships; and

"WHEREAS, The 2009 College of Saint Rose Women's Soccer Team capped an extraordinary season by appearing in the

national semifinals of the NCAA Women's College Soccer Championships, losing in overtime by a score of 3-2 to the eventual undefeated national champions. This loss in the semifinal game was the College of Saint Rose team's only loss of the season; and

"WHEREAS, Compiling an outstanding 24-1-0 record for the year, the College of Saint Rose Women's Soccer Team finished the regular season with a perfect 18 and 0 record and a Northeast Conference record of 15 and 0. Its 24 consecutive wins set a College of Saint Rose school season record, and 18 of these wins were shutouts; and

"WHEREAS, The College of Saint Rose Women's Soccer Team has appeared in seven NCAA tournaments in the last eight years. Its participation in the 2009 NCAA Final Four was a repeat of its 2008 Final Four appearance; and

"WHEREAS, Winner of four consecutive Northeast-10 Conference Regular Season Championships, the College of Saint Rose Women's Soccer Team has won three consecutive Northeast-10 Conference Tournament

Championships. It was only the third team in Northeast-10 Conference history to win three consecutive postseason titles; and

"WHEREAS, The 2009 College of Saint Rose Women's Soccer Team garnered numerous National Soccer Coaches Association of America (NSCAA) honors and awards, including Academic All-America Team for nine consecutive years, four All-American players, and two Academic All-American players. The team also had a Daktronics All-American player and a CoSIDA/ESPN the Magazine Academic All-American; and

"WHEREAS, In addition, the Golden Knights of Saint Rose were NCAA statistical leaders by placing second overall in save percentage and win-loss percentage, as well as third in overall goals against average and fourth in shutout percentage. Its goalkeeper, Susan Cowan, was the overall NCAA leader in goals against percentage and save percentage; and

"WHEREAS, The Athletic talent displayed by the 2009 College of Saint Rose Women's Soccer Team is due in great part to

the efforts of Head Coach Laurie Darling Gutheil and Assistant Coaches Kailey Egbert, Jason Gutheil, Matt Jones, Renae Ransdell, Lauren Steinberg, and Mark Van Leuven, skilled and inspirational tutors respected for their ability to develop potential into excellence. They have done a superb job in guiding, molding and inspiring the 2009 College of Saint Rose Women's Soccer Team members toward their goals; and

"WHEREAS, Head Coach Laurie Darling Gutheil was named the NSCAA Division II National Coach of the Year. In her eight years at the helm of the College of Saint Rose Women's Soccer Team, she has compiled a 135-27-14 record to go along with the team's Northeast-10 Conference Championships and NCAA Tournament and Final Four appearances; and

"WHEREAS, The hallmarks of the 2009 College of Saint Rose Women's Soccer Team, from the opening game of the season to its Northeast-10 Conference and Tournament Championships and NCAA Tournament Final Four appearance were a sisterhood of athletic ability, of good sportsmanship, of honor and

of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the 2009 College of Saint Rose Women's Soccer Team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on the College of Saint Rose; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Head Coach Laurie Darling Gutheil and her assistant coaches, and the 2009 College of Saint Rose Women's Soccer Team's outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their college; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the College of Saint Rose Women's Soccer Team, its members -- Deanna Esposito, Shannon Murphy, Susan Cowan, Lizzie Shegda, Kira Duran, Courtenay Gannon, Katlynn Knier, Alex Sobchak, Kristen Bidosky, Christy-Lea Smith, Molly Harpster, Kaitlyn Berry

(Captain), Nicola D'Errico, Amanda Deck (Captain), Christina Cuffari, Katie Whiting (Captain), Kimberly Morton, Derith Fernandes, Jennifer Mansfield, Brittany Godin, Meagan McKinney, Deanna Wachtel (Captain), Coco Ebersole (Captain), Gianna D'Errico, Jaclyn Evans, Caty Kirk Robins, Amanda Schweers, Kelly Guerin, Alayna Shaw, Marisah Case, Carly Pengelly, and Nicolle Burke -- Head Coach Laurie Darling Gutheil and Assistant Coaches Kailey Egbert, Jason Gutheil, Matt Jones, Renae Ransdell, Lauren Steinberg, and Mark Van Leuven, Head Trainer Karen Fischer and Assistant Trainer Jessup Pierce on their outstanding season, their Northeast-10 Conference and Tournament Championships, and their NCAA Tournament Final Four participation; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members of the 2009 College of Saint Rose Women's Soccer Team, Head Coach Laurie Darling Gutheil and Assistant Coaches Kailey Egbert, Jason Gutheil, Matt Jones, Renae Ransdell, Lauren Steinberg, and Mark Van

Leuven, and Head Trainer Karen Fischer and Assistant Trainer Jessup Pierce."

ACTING PRESIDENT SAVINO: Senator Breslin.

SENATOR BRESLIN: Thank you very much, Madam President.

It's my honor to stand and congratulate the Saint Rose Soccer Team. They're joined upstairs by President Mark Sullivan, their athletic director, Catherine Haker, and of course their wonderful coach, Laurie Darling Gutheil.

And really this soccer team has begun a dynasty at Saint Rose. They've been at the NCAA seven of the last eight years. When I talked to them, there was only one senior here today; the rest are underclassmen, to be back. This year they went 24 and 1. They won 24 straight games, finished undefeated in their conference, and really have set the standard, the standard in women's Division II soccer.

They went to Florida undefeated and lost, as you mentioned, lost to the eventual champion in overtime by a 3-to-2 score.

And the most important part of it, I think, from the president and the athletic director's point of view would probably be they do so well academically, an Academic All-American Team, some of their players having not only regular All-American status but Academic All-American status.

And our hats are off to you for such a wonderful season. You have made not only the great Capital District, the City of Albany proud, but the State of New York proud. And I look forward to seeing you back here next year as national champions.

Congratulations.

ACTING PRESIDENT SAVINO: Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

Senator Breslin, I rise to support you in your resolution, because the College of Saint Rose, where both my wife is a graduate and my daughter is a graduate, it's a school that I contribute to financially every year. It is not only a school of outstanding athletic achievement, but also academic

achievement.

And, you know, what these young women have done nationally with 24 and 1, and with a class with only one senior -- they will be back, Senator Breslin. And I can see that they're going to be the national champions.

Let me just say this, how pleased we are to have this magnificent school in our area. You know, and also in the chamber with us is the president, Mark Sullivan, who is so admired throughout this nation and could be going anywhere if he wanted, but he's made his career at Saint Rose. And what a difference he's made in that school, and how it has blossomed.

And I really am so proud of everything that they do, and I want to congratulate this magnificent athletic team and what they have accomplished and their faculty and the staff, and my best wishes. And we'll be looking forward to them coming back next year.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Little.

SENATOR LITTLE: Thank you, Madam President. And thank you, Senator Breslin, for introducing this resolution.

I would like to add my congratulations to the soccer team for making the Final Four at Saint Rose ten times, and for all that they've achieved this year. A wonderful group of athletes, a great coach who was named a Coach of the Year as well, and to the president, Mark Sullivan.

As a graduate of the College of Saint Rose, I am really proud of what you have accomplished, and certainly putting the College of Saint Rose name before many, many people and attracting a lot of attention, which we are very proud of. And we thank you for your efforts.

Congratulations.

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The resolution is adopted.

The College of Saint Rose Women's Soccer Team is here in the chamber, and they're accompanied by their award-winning coach, Laurie Darling Gutheil.

Congratulations.

(Applause.)

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a resolution at the desk by Senator Serrano. I ask that the title of the resolution be read and move for its immediate adoption and allow Senator Serrano to speak on his resolution.

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 Serrano, legislative resolution commemorating the 225th anniversary of the birth of John James Audubon, ornithologist, naturalist, and painter, on April 26, 2010.

ACTING PRESIDENT SAVINO: Senator Serrano.

SENATOR SERRANO: Thank you, Madam President.

It's with great honor that we talk about a person of such great distinction here in the State of New York, John James Audubon, who lived from April 26, 1785 until January 27, 1851.

He was a French-American naturalist and someone who worked a great deal to promote, preserve, and to help foster the natural wonders that we have here in the State of New York. And as was mentioned, the Audubon Society, which we all are aware of and we all revere for their great work, was founded in John James Audubon's honor.

And the Audubon Society's mission

is to conserve and restore natural ecosystems, focusing on birds, other wildlife and their habitats, for the betterment of humanity and for the earth's biological diversity. They provide various scientific and educational programs on a national level, advocacy on behalf of areas sustaining important bird populations, and they also work with bird and wildlife populations but also with energy and water conservation, green construction, sustainable living, responsible alternatives to waste management.

So here we have a person who was well ahead of their time. We talk so much now about the need to preserve our great environment. We talk so much in this chamber and outside of this chamber about the need to preserve our state parks. There's agreement throughout this entire chamber and throughout this Legislature on the importance of our state parks, the transformative effect that these wonderful parks have on our families, on our communities, and on our individuals.

And we honor the legacy of John James Audubon with that in mind, that as we

deal with and grapple with the financial realities that we have here in the State of New York, that we have this tremendous budget shortfall that we are trying to deal with, but we cannot lose sight of what is extremely important: Our humanity. And that nature goes hand in hand with everything that we do every day.

And unfortunately, in the day-to-day operations of our lives we sometimes lose sight of the fact of how organic our lives really are and how our place in this ecosystem is very relevant.

So I think it's important that we pause to honor John James Audubon for his work on behalf of nature, wildlife, and the environment, and that we also pause to give gratitude to the work of the Audubon Society and their work to promote ecotourism, ecotourism being a major economic engine here in the State of New York. Recent information has shown that bird watching is increasing in popularity throughout the state and that it is becoming a very important driver in our economy.

Our state parks, our natural wonders, all create a major economic benefit for our state, a five-to-one match -- $1 invested in nature and in our environment yields a $5 reward in economic activity. Not many investments would yield that kind of a return.

So I am grateful to all my colleagues for supporting this resolution, and I open it up for all cosponsorship.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

Thank you, Senator Serrano. I appreciate the resolution, and I join you in this resolution.

It is fantastic. It is great. Audubon was way ahead of his time. Anybody who has gone to museums of art and has seen his paintings of birds and wildlife, they are so lifelike you actually believe the critter is right there in front of you, that you want to reach out and touch it.

Audubon was truly ahead of his time. He was not only a environmentalist, he was a conservationist, which is what led to the development of our park system. These were places for people to go. These were not places to be put aside, set aside, where people couldn't go there and wouldn't be allowed in them, to touch them, feel them, and use them.

Audubon understood that conservation of our natural resources was important, but their use in a productive way for either recreation or economics was important to us as society.

That's why it is truly hard when we look at our budgets and we look at our resolutions in both houses and we note from the Governor's presentation to us that there are major cuts to these parks, that many are being closed and many of them are being understaffed so that they cannot be maintained properly.

This is a loss to us. This is a major loss to our society and a major loss to our culture. These parks are places where

people in tough economic times can go and recreate with their families, and we want them to do just that.

They're a resource for us all. They're a resource for the state. I have several in my district. We were privileged to create four new state parks in the Fifth Senate District since I've been the Senator. And we have many good ones, Planting Fields and Caumsett and others in the district, and especially on Long Island. They're great. They're places for people to bring their families and go and enjoy.

We should be and we must do all in our power to make sure that these parks remain open so that the public can access them, in honor of Audubon and in honor of his thinking and his forward-looking feelings towards nature.

The Audubon Society is one of the finest environmental groups and environmental organizations that exists in our country today. They're world-renowned because they are nonpartisan and they are truly for the environment, they are truly for the

preservation and protection of our environment and our natural resources.

So, Senator, I join you wholeheartedly in this resolution, and I thank you for bringing it up.

ACTING PRESIDENT SAVINO: 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 Serrano has indicated that the resolution is open for cosponsorship by the entire house. Any Senator not wishing to cosponsor please notify the desk.

Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a resolution at the desk by Senator Sampson. 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 Sampson, legislative resolution commending the Jewish Community Relations Council of New York upon the occasion of its Gala Dinner on April 27, 2010.

"WHEREAS, It is the sense of this Legislative Body to recognize that the quality and character of life in the communities across New York State are reflective of the concerned and dedicated efforts of organizations and individuals who devote themselves to the welfare of the community and its citizenry; and

"WHEREAS, Attendant to such concern, and in full accord with its

long-standing traditions, it is the sense of this Legislative Body to commend the Jewish Community Relations Council of New York upon the occasion of its Gala Dinner, to be held on Tuesday, April 27, 2010, at The Pierre in New York City; and

"WHEREAS, As the Jewish Community Relations Council celebrates its tradition of bridging communities and their needs at its Gala Dinner, it will honor Bennett W. Golub, Ph.D., of BlackRock, with its Continuing Legacy Award; Jeffrey E. Levine and Benjamin J. Levine, of Levine Builders and Douglaston Development, will receive the Generation to Generation Award; and H. Mitsy Wilson, of the News Corporation, is the recipient of the Corporate Diversity Award; and

"WHEREAS, Outside Israel, New York is home to the largest Jewish population in the world. From the boroughs of New York City to the communities of the far-reaching New York metropolitan area, the Jewish community embraces a rich mix of populations, each with its own interests and concerns; and

"WHEREAS, The Jewish Community

Relations Council, comprised of 60 Jewish organizations -- from local chapters of national, civic, communal, educational and religious agencies to neighborhood-based community councils -- has, through decades of constructive involvement, represented these interests with action and effective programming; and

"WHEREAS, The Jewish Community Relations Council of New York (JCRC-NY), founded in 1976, serves as the central coordinating and resource body for the Jewish community in the metropolitan New York area in the community relations field and continues to work to meet the growing demands placed upon it as an active force in New York civic and communal life; and

"WHEREAS, The JCRC-NY operates as a coordinating body with its member organizations to foster joint and cooperative action among its members to promote equality of opportunity and full civil rights and civil liberties for Jewish and all other racial, religious and ethnic groups in New York, encourage amicable relationships and mutual

understanding and respect among the various groups in New York, and help create and maintain conditions conducive to encouraging the continuity and vitality of Jewish living in a pluralistic society; and

"WHEREAS, It also works to protect and strengthen the rights and interests of the Jewish community in New York, combat anti-Semitism and every other form of racism or group prejudice, develop an intelligent and effective public opinion within and outside the Jewish community on Jewish community relations issues, problems, concerns and commitments, and to provide for Jewish communal leadership to exchange views with key local, national and global public officials and opinion-molders; and

"WHEREAS, Central to the focus of the JCRC-NY are matters of concern to the Jewish community in the New York metropolitan area, including local matters, regional and national issues, and community-relations activities related to Israel and other international Jewish concerns; and

"WHEREAS, As a representative

organization of New York's diverse Jewish community, the agenda of the JCRC-NY is comprised of Jewish activities, issues, and programs reflecting the concerns, needs, and aspirations of the community, local, national and international events, the concerns of its member organizations, and directives from national organizations to help shape priorities; and

"WHEREAS, For the past three decades, JCRC-NY has been proud to be the voice of metropolitan New York's Jewish community, representing the Jewish community to governmental officials, other ethnic and religious communities, as well as the news media, and has also initiated local community coalitions focusing on health services and special needs of the aging, emigres, and youth; and

"WHEREAS, Applauding the strength of its commitment and the benefit of its service, it is the sense of this Legislative Body to extend its highest commendation to the Jewish Community Relations Council of New York upon the occasion of its 2010 Gala Dinner as

it honors its noble history and plans with vision and purpose for the challenges of the future; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend the Jewish Community Relations Council of New York upon the occasion of its Gala Dinner on April 27, 2010; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Jewish Community Relations Council of New York and to the honorees of the evening."

ACTING PRESIDENT SAVINO: Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Thank you very much, Madam President. I rise to support this resolution.

I first want to commend Senator John Sampson, the sponsor of this resolution.

I want to commend the honorees who the JCRC-NY is honoring at their gala event -- Bennett Golub and Jeffrey and Benjamin Levine of the Levine Builders and Douglaston Development, as well as H. Mitsy Wilson -- all four of them deserving of the honors being

bestowed upon them by the JCRC.

Let me say this in addition. I think it's extremely appropriate that today we are honoring the Jewish Community Relations Council, the JCRC, with this resolution. As you may recall, last week we honored the 62nd anniversary of the founding of the nation of Israel, and a number of us talked about the strong relationship between this state and its citizenry with the nation of Israel and its citizens. Well, the strength of that relationship in large part is due to the efforts of groups like the JCRC that serves to educate government leaders, community leaders, about the importance of a strong, democratic Israel.

And what the JCRC does which is very important is to help combat anti-Semitism. Anti-Semitism that, ladies and gentlemen of this body, exists to this day in New York State and in our districts. Just this past summer, or last summer, there was an anti-Semitic involving one of my synagogues, a Chabad House in my district, that saw swastikas spray-painted on its doors.

If that's occurring in any of our districts, clearly the work of the JCRC needs to be continued. And it will be continued, because of the support it receives from this body and from the Assembly as well as other leaders here in New York State.

So again, I want to thank Senator Sampson for his sponsorship of this resolution. I want to thank the men and women who work for the JCRC who do such a fantastic job in promoting a strong, strong Israel-New York relationship.

Thank you very much, Madam President.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing 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 Sampson has indicated this resolution is open for cosponsorship by all the members of the house. Any Senator not wishing to be listed as a cosponsor please notify the desk.

Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a resolution at the desk by Senator Parker. I move 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 commemorating the 17th anniversary of the death of Cesar E. Chavez, United Farm Workers crusader.

"WHEREAS, Our nation is a symbol of democracy, peace, freedom and justice, born

out of the many men and women who have fought for and died to preserve it; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the sense of this Legislative Body to join with the Mexican-American community in commemorating the 17th anniversary of the death of Cesar E. Chavez, United Farm Workers crusader; and

"WHEREAS, The purpose of this commemoration is to preserve the life and legacy which Cesar E. Chavez left behind, not only for the farm workers in the United States but also to all those who believe in the nonviolent struggle for civil rights and human dignity; and

"WHEREAS, Cesar E. Chavez, of humble origins and of Mexican parentage, was born in Yuma, Arizona, and was raised in the midst of the farms which many Mexicans tilled and worked for in bringing agricultural products to our tables; and

"WHEREAS, Cesar Chavez was known for his keen leadership style, his nonviolent stance, and his constant struggle to protect

the rights of farm workers in California and throughout the United States; and

"WHEREAS, Between 1952 and 1962, Cesar Chavez worked for the Community Services Organization. When they refused to organize farm workers in 1962, he left and cofounded the United Farmers Union with Dolores Huerta. The bylaws were approved by the AFL-CIO in 1966; and

"WHEREAS, Cesar Chavez represents, for many people, a humble role model and, at the same time, demonstrates powerful convictions. His boycotts of grapes and other products raised consciousness about the life and struggles of farm workers, their needs and desires for a quality of life and education; and

"WHEREAS, Cesar Chavez's motto 'Si Se Pueda,' translated 'Yes We Can,' is a reflection of his commitment; and

"WHEREAS, Like Mahatma Gandhi and Martin Luther King, Jr., Cesar Chavez believed in and carried out his struggle adhering to the principles of nonviolence. His many acts of protest, and particularly fasting, served

to unify the workers, alert America to the dangerous of pesticides, and stimulate the conscience and support of many in our nation; and

"WHEREAS, The family of the State of New York commemorates and honors Cesar Chavez as a champion of democracy and human rights. His legacy remains in the hearts and minds of many, but not nearly as much as in the workers and members of the United Farm Workers of America, which he founded and has since his death on April 23, 1993, grown from 20,000 members to approximately 27,000 members; and

"WHEREAS, It is fitting that New York, with a history rich in campaigns and battles for civil, labor and human rights, joins in honoring a great leader, Cesar E. Chavez; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the 17th anniversary of the death of Cesar E. Chavez, United Farm Workers crusader; and be it further

"RESOLVED, That copies of this

resolution, suitably engrossed, be transmitted to the family of Cesar E. Chavez and to the Cesar E. Chavez Foundation."

ACTING PRESIDENT SAVINO: Are there any 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 he would like to open the resolution up for cosponsorship to the entire house. Any Senator wishing not 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 an immediate meeting of the Rules Committee, in the

Majority Conference Room, Room 332.

Pending the return of the Rules Committee, may 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 4:15 p.m.)

(Whereupon, the Senate reconvened at 5:21 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 bills.

Senate Print 7605, by the Committee on Rules, an act making appropriations for the support of government;

And Senate Print 7606, by the Senate Committee on Rules, an act to amend Part RR of Chapter 57 of the Laws of 2008 providing for the administration of certain funds and accounts.

Both bills ordered direct to third reading.

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 180, by Senator Stewart-Cousins, Senate Print 6720, an act to amend the Local Finance Law.

SENATOR LIBOUS: Lay it aside.

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

The bill is laid aside.

THE SECRETARY: Calendar Number 190, by Member of the Assembly Brodsky, Assembly Print Number 4467A, an act to amend the Election Law and others.

ACTING PRESIDENT SAVINO: Read the last section.

THE SECRETARY: Section 2. This act --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT SAVINO: The bill is laid aside.

THE SECRETARY: Calendar Number 285, by Senator Stachowski, Senate Print 6833, an act to amend the Local Finance Law.

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

Read the last section.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT SAVINO: The bill is laid aside.

THE SECRETARY: Calendar Number 286, by Senator Thompson, Senate Print 6862, an act to amend the Local Finance Law.

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

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: Ayes --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT SAVINO: The bill is laid aside.

SENATOR LIBOUS: Excuse me, Madam President. What happened to Calendar 278?

ACTING PRESIDENT SAVINO: Senator Libous, Calendar Number 278 was laid aside by

the sponsor because it's being amended.

SENATOR LIBOUS: Thank you.

ACTING PRESIDENT SAVINO: The Secretary will continue to read.

THE SECRETARY: Calendar Number 301, by Member of the Assembly Scarborough, Assembly Print Number 8418, an act to amend the Family Court Act and the Social Services Law.

ACTING PRESIDENT SAVINO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 301 are Senators DeFrancisco, Flanagan, Golden, Griffo, Ranzenhofer, Saland, Seward, Winner and Young. Also Senator Maziarz. Also Senator Leibell.

Ayes, 50. Nays, 11.

ACTING PRESIDENT SAVINO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 360, by Senator Serrano, Senate Print 6673, an act to amend the Economic Development Law.

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

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

SENATOR BONACIC: Thank you, Madam President.

This legislation I supported last year; I supported it this year. But I just think, when we have this fiscal crisis, it's just -- the timing is not appropriate. And I've been a cosponsor on this legislation. But when we see this fiscal crisis deepening day to day, week to week, this is an expenditure we probably should not have to spend at this time.

And, finally, that there are other ways to promoting agritourism, by using the existing websites that we have both in agriculture and tourism.

For that reason, I'm going to vote no. Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Young, to explain her vote.

SENATOR YOUNG: Thank you, Madam President.

As everyone here knows, I'm a very strong supporter of agriculture. But now is not the right time to do this particular piece of legislation. We already have tourism funds being deeply cut through the state budget. And on top of it, we have critical agricultural programs like the Integrated Pest Management Program, New York State Apple Growers Association, the Wine and Grape Foundation, that are being slashed to the bone. Many of them are being taken down to zero.

So if we have to look at priorities right now, we should be looking at restoring those programs instead of putting in something

new. Which, by the way, was vetoed by the Governor last year.

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

SENATOR NOZZOLIO: Thank you, Madam President.

Madam President and my colleagues, I rise to reluctantly oppose this measure, precisely for the reasons articulated by Senator Young. That the applied agriculture research done at the Cornell University Experiment Station in Geneva, including the Integrated Pest Management Program that is housed in that facility, has done great work for New York agriculture. To see those projects slashed and cut and eliminated at this time will certainly severely hurt farmers across this state.

That's why the resources deployed for this particular program, albeit a good program, needs to be redirected so that the real hard-nosed applied research for New York agriculture can be continued.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator

Saland, to explain his vote.

SENATOR SALAND: Thank you, Madam President.

Madam President, I've had the good fortune of enjoying every year since its inception the Circle of Friends Award that the Farm Bureau provides, and it's something which I take great pride in. And I under normal circumstances would welcome the opportunity of voting for this bill.

I believe we have seen this bill in a prior iteration, and it was vetoed. And the reason it was vetoed was because of the fact that there was no appropriation covering it. And I don't believe there's an appropriation to cover it at this time.

And as several of my colleagues have previously mentioned, in an environment in which we have a $9-plus-billion deficit and there's no provision in the budget for this, I suspect this bill will be treated, should it ultimately get to the Governor's desk -- I'm not sure if this is a substitution -- in the same fashion that it was treated previously. I've seen bills vetoed for far lesser amounts.

When we're slashing local assistance, such as to the "I Love New York" program, I think this sort of defies any realistic expectations. And I certainly can't, in this current crisis, support a measure which has no appropriation attached to it. And I will be voting in the negative.

Thank you.

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

SENATOR FARLEY: Yes, Madam President. I rise, unfortunately, to vote against this bill. I don't think I've ever voted against very much farm legislation.

And the purpose of it is good. But let's look, when we're closing parks and campgrounds and everything else -- and, you know, I've been around for a long time. When I see a bill that's been vetoed -- and in this financial situation that we're in right now, this is certainly veto-bait again.

I think it's a ridiculous to vote for this bill, and I urge everybody to vote against it. We cannot afford this right now.

ACTING PRESIDENT SAVINO: Are

there any other Senators wishing to explain their vote?

Announce the results.

THE SECRETARY: In relation to Calendar Number 360, those recorded in the negative are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, 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, 29.

ACTING PRESIDENT SAVINO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 378, by Senator Klein, Senate Print 5896C, an act to amend the Real Property Law.

ACTING PRESIDENT SAVINO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT SAVINO: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Klein, to explain your vote.

SENATOR KLEIN: Thank you, Madam President.

Many of you may recall that the last package of subprime lending bills we passed earlier in the year included a provision that banned any upfront fees for loan modification. Well, I think this legislation goes one step further and finally puts out of business those people known as distressed property consultants.

Everyone probably knows, if they listen to the radio or look at different types of print advertising, these individuals claim that if you give them a certain amount of money or money after the fact, they will modify your mortgage, prevent foreclosure and keep you in your home.

It's nothing but nonsense. It's a sham. I wouldn't be surprised if the same people who sold these loans to people, the subprime mortgages that many couldn't afford,

are the same people who now hold themselves out as loan modification experts.

This legislation is very simple. We now would require a disclaimer in any advertisement clearly stating that the services provided can be provided for free by a licensed counselor which is approved by HUD as well as the New York State Banking Department. It would also include the toll-free number of the Banking Department that an individual can call to help save their home or modify their mortgage.

Again, I think our purpose here certainly is not to have people who are in a very desperate situation give their hard-earned money to somebody who isn't going to do anything for them. But I think our purpose should be to keep the American dream of homeownership alive for this generation and future generations.

ACTING PRESIDENT SAVINO: Senator Farley.

SENATOR FARLEY: Thank you. I rise in support of this, Senator Klein.

The major subprime bill that was

passed a while back was my legislation and became a model for the whole country.

But I'll tell you what. This is one area that needs a little bit more looking at. Some of these people that are involved in this business certainly are suspect, to say the least.

And I think that this is a good piece of legislation, and one that really monitors this area, which needs looking at because they've been taking advantage of an awful lot of people who have some problems with their mortgages.

And I recommend a yes vote.

ACTING PRESIDENT SAVINO: Senator L. Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Madam President.

Well, I'm glad we found a bill that across the aisle we all agree is an important bill. And thank you, Senator Klein. I'm glad to be a cosponsor on this bill.

I also think it's timely that we're passing this bill today because a report just came out showing that New York State ranks

number two in mortgage fraud in the country. And unfortunately, our numbers have been getting worse instead of better.

The rate at which there is false information filed by companies assisting people with mortgages has been growing. There's been a now 26 percent increase in incidents of fraud in mortgage reporting as compared to 2008. Specifically, there's been an increase in fraud by companies who work with people trying to refinance mortgages and filing specific false information.

So I agree with my Senator from across the aisle, Senator Farley, that more needs to be done. This is an important step. But as we are learning throughout this country, that we haven't done enough yet to make sure that when people are in the business of providing mortgages, when people are in the business of assisting those who believe they have a problem with their mortgage or are facing foreclosure, frankly the government isn't done yet with the need to improve oversight and monitoring and licensing and, frankly, getting the bad apples out of the

business.

So I'm pleased to be voting yes, Madam President.

ACTING PRESIDENT SAVINO: Any other Senators wishing to explain their vote?

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 378 are Senators Flanagan and Lanza.

Ayes, 59. Nays, 2.

ACTING PRESIDENT SAVINO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 381, by Senator Perkins, Senate Print 6066A, an act to amend the Alcoholic Beverage Control Law.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT SAVINO: The bill is laid aside.

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 180, by Senator Stewart-Cousins, Senate Print 6720, an act to amend the Local Finance Law.

SENATOR LIBOUS: Explanation.

ACTING PRESIDENT SAVINO: Senator Stewart-Cousins, an explanation has been requested.

SENATOR STEWART-COUSINS: Yes, thank you, Madam President.

This bill will enable the City of Yonkers to extend for another year its ability to go into the private sector in order to get the best bond rates possible.

This is no different from the rate -- excuse me. May I have some order in the chamber, please?

ACTING PRESIDENT SAVINO: Can we please have some order in the chamber so

Senator Stewart-Cousins can continue explaining her bill.

SENATOR STEWART-COUSINS: Thank you, Madam President.

This city's bonding authority will expire on June 30th of this year. This particular bill is no different from the bill that we passed in 1998, 2000, 2002, 2003, 2004, 2005, 2006 and 2007, unanimously.

The city's bond rating is BAA-2. It needs an underwriter in order to be able to find the best rates for its bonds. It requires the bonding because there's about $14 million in certioraris that need to be paid. There are capital improvements, and there are several things that the city needs. There are short-term notes that the city wants to convert into long-term notes.

There are serious financial problems in the City of Yonkers, and so this would help them to, again, get the best possible interest rate when they go out for bonds.

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.

There is a home-rule message at the desk.

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.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: In relation to Calendar Number 180, recorded in the negative: Senators Hannon and Skelos.

Absent from voting: Senator Golden.

Ayes, 58. Nays, 2.

ACTING PRESIDENT SAVINO: The bill is passed.

I would please remind all of the members to remain in the chamber so we can complete the controversial calendar.

The Secretary will continue to

read.

THE SECRETARY: Calendar Number 190, by Member of the Assembly Brodsky, Assembly Print Number 4467A, an act to amend the Election Law, the Labor Law, and the Education Law.

SENATOR LIBOUS: Explanation.

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

SENATOR DILAN: Yes, Madam President.

This piece of legislation would amend the Education, Labor and Election Laws to authorize students enrolled in school districts to participate as election inspectors and poll clerks throughout the State of New York, with the authorization and consent of their school district, parents or legal guardians. And they would be able to work with all full powers of inspectors and poll clerks.

And this would help alleviate the problems of recruiting inspectors throughout the State of New York and especially in many jurisdictions such as New York City.

ACTING PRESIDENT SAVINO: Senator Padavan.

SENATOR PADAVAN: Senator Dilan, I understand the goal that you've stated. In the process of -- would you yield to a question?

SENATOR DILAN: Yes, Madam President.

SENATOR PADAVAN: In the process of exercising their responsibilities, do not the inspectors at some point in time have to certify certain documents -- absentee ballots, ballots that are done by affidavit, the results from the back of the machine -- put that on documents, sign it? Aren't these the inherent and very, very important and serious responsibilities of the election inspector at the polling place?

SENATOR DILAN: Madam President, that would be correct.

These young individuals and students would also have an opportunity to participate in the democratic process. And in many cases you may have one or two individuals working at a certain election district, and

you would also have experienced inspectors or poll clerks there that have worked for many years there. And this would provide them an opportunity to get involved in our democratic process.

SENATOR PADAVAN: Yeah. So in effect --

ACTING PRESIDENT SAVINO: Senator Padavan, are you --

SENATOR PADAVAN: -- if I understood you, you said that yes --

ACTING PRESIDENT SAVINO: Senator Padavan, are you asking Senator Dilan to yield?

SENATOR PADAVAN: I haven't got to that part yet.

ACTING PRESIDENT SAVINO: Are you asking Senator --

SENATOR PADAVAN: Not yet.

ACTING PRESIDENT SAVINO: Senator Padavan, you don't have the floor.

SENATOR PADAVAN: So in the last response you indicated that --

ACTING PRESIDENT SAVINO: Senator Padavan --

SENATOR PADAVAN: -- the inspectors would have these responsibilities.

ACTING PRESIDENT SAVINO: Senator Padavan --

SENATOR PADAVAN: Would you yield to another question?

ACTING PRESIDENT SAVINO: Thank you.

SENATOR PADAVAN: I have the floor, Senator. I'll yield --

ACTING PRESIDENT SAVINO: No, Senator Padavan, Senator Dilan had the floor --

SENATOR PADAVAN: Nevertheless, I asked you another question.

ACTING PRESIDENT SAVINO: -- an explanation was requested.

SENATOR PADAVAN: Do you yield?

ACTING PRESIDENT SAVINO: Senator Padavan, please direct the questions through the presiding officer.

SENATOR PADAVAN: Will Senator Dilan yield?

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

SENATOR DILAN: Yes, Madam President.

ACTING PRESIDENT SAVINO: Yes, he will yield for a question.

SENATOR PADAVAN: Senator, thank you for your patience.

Doesn't it seem rather obtuse and inappropriate to have someone doing the things that you and I agreed he or she would be doing but not yet of an age to be able to vote? Doesn't that seem to be sort of a contradiction?

SENATOR DILAN: Well, I think that these are individuals that within a year would be old enough to vote.

And I don't have all my notes here, but I believe that 16 states throughout the United States currently have 16-and-17-year-olds also working as inspectors. So the State of New York would not the first to do that.

And as our inspectors have a current recruitment, we have individuals who have been working as inspectors for many years, and the boards of election throughout

the State of New York are having a very difficult time at this time recruiting individuals to work the 15 hours on a given particular election.

SENATOR PADAVAN: Madam President, would the Senator yield?

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

SENATOR DILAN: Yes, I will.

But I'd like to make a correction. I said 16 states. That is 40 states that currently have individuals of this age.

SENATOR PADAVAN: I'm sorry, I didn't hear you, Senator. Forty states what?

SENATOR DILAN: Forty states currently allow 16-and-17-year-olds to work as inspectors or poll clerks throughout the state. Forty states, 40.

SENATOR PADAVAN: I don't think I heard you correctly before. But on the issue of age of voting, you do agree it's 18?

SENATOR DILAN: That is correct.

SENATOR PADAVAN: Okay. Because I didn't quite hear your answer before.

SENATOR DILAN: I said yes.

SENATOR PADAVAN: Now, if again you would yield, Senator.

ACTING PRESIDENT SAVINO: Senator Dilan?

SENATOR DILAN: Yes, Madam President.

ACTING PRESIDENT SAVINO: Senator Dilan continues to yield.

SENATOR PADAVAN: I don't know about all these other 40 states, but I know there are times -- and I have observed it, I'm sure you have too -- where you have a very difficult situation at a polling site. Someone looks and they're told, "Your name's not in the book." "Well, I ought to be in the book because I'm registered." And there's a lot of dialogue and sometimes heated conversations and difficult environments sometimes that arise under those conditions.

Is it, I think, wise to have a teenager put in a position of having to confront someone in that context?

SENATOR DILAN: Okay, I think that we have to look at this with an open mind, first of all, in view of the fact also

of the HAVA act, which we will all be dealing with new technology at our polling places. Young people are very tech-savvy. And I think they would be of further assistance to our current crop of inspectors.

And, you know, currently we allow 16-year-old students to get behind the wheel of a car, and yet we prohibit them from working as poll inspectors.

And I think also, Senator Padavan, that what you're maybe trying to say -- I'm not sure -- is that a 17-year-old may not be capable of either reading numbers from a machine or just reading plain English.

SENATOR PADAVAN: On the bill, if I may.

ACTING PRESIDENT SAVINO: Senator Padavan, on the bill.

SENATOR PADAVAN: Senator Dilan, you know, I fully respect your motivation and the points you made with regard to alleviating problems in certain areas where it's difficult to get enough inspectors. It's a very, very sometimes difficult environment. It begins at 6:00 in the morning, if not earlier, goes all

day to 9:00 and beyond, as the ballots are being counted. And it can be a very stressful and difficult place.

It varies, of course, in different parts of the state and in different communities. But in many areas that I've observed, it's very, very difficult.

And while I have a great deal of respect for young people, and if they get a license, a learner's permit to drive in a car with all the limitations that we impose upon them, that's one thing. But to put them at some of those polling places where I've seen situations that were quite heated, almost came to blows about people demanding certain rights that they were being denied, that's the wrong place for a teenager to be in those environments. I'm not saying it happens everywhere.

Now, I also agree with you on the idea of getting young people involved in the electoral process. There might be a way of bringing them into the process in an ancillary, auxiliary fashion -- but not as the inspector with the statutory responsibilities

in the Election Law that we place upon these individuals. That is quite a different matter.

So with all due respect to your motivation, I don't think this is the right idea universally in every part of the State of New York.

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

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, I would just like to rise to support this legislation. I'm very happy that Senator Dilan has thought to introduce it. I think it makes a lot of sense.

We're very schizophrenic about how we view young people. And on the one hand we can arrest them and charge them as adults if they're 16, but we don't want them to work on a polling site and learn how our system works if they're 17.

But, Senator Dilan, what you're saying to us, I believe, and to the citizens in New York State is that -- you know, I don't know what age is at the top, but I do know

that the younger a person is, the more likely they are going to be very, very sophisticated as it relates to technology. Unlike some of the older citizens who are at the polling sites and who are going to find it challenging, to say the least, I suspect, when we completely go into a technologically run election process.

So I'm happy that we're going to have 17-year-olds, because they're going to be there to understand how to answer some of the questions and deal with some of the issues as it relates to our new voting machines. And to have an opportunity for a young person, a group of young people to have employment by the local boards of elections I think is a good thing.

So all in all, this is a very positive move and it says to the young people in our state we value your input, your participation, we want to bring you into the process early. That's how I got started in politics; I worked as a polling site inspector. And you begin to get excited and understand the mechanics of it.

So this is really a very positive step, and I am very happy to support it. I vote aye.

ACTING PRESIDENT SAVINO: Senator L. Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you, Madam President. I also rise to support this bill.

It's true that we don't let you vote until 18, but I would argue that the process of deciding who you're going to vote for, what the analysis you go through, the pros and cons of any different candidate or group of candidates, is a complex group of assignments. It's a thought process about the pros and cons of each candidate.

And so I don't think I would stand here arguing that we lower the age of voting. But in fact the job of being a poll inspector, you are more than qualified to do at age 17.

And again, as has been brought up both by the sponsor of the bill and by my colleague Senator Montgomery, when it comes to the technology and the skill sets involved with understanding the machinery and actually

being able to read the small numbers on the back of the old machines, young eyes and technology skills are definitely an advantage.

And frankly, research shows that getting kids involved with the voting process and the election process is the most effective means of ensuring that they will grow up to be civic participants, that they will grow up to vote. In fact, the research shows the number-one reason people vote when they turn 18 is the memory of going with their parents to vote as young children, even parents who allow the children to come into the polling booths with them and, at least in my city, pull the levers.

And so not only do I believe 17-year-olds are more than mature enough to handle the responsibilities of this job, I do think they have a technological edge on any number of us who volunteer or work at the polls now.

And I do think it will encourage not only greater participation in Election Day process but hopefully encourage more young people to take the time at age 18 not only to

register to vote but to remember to get out there and vote every time they are legally able to.

So I vote yes, Madam President. Thank you.

ACTING PRESIDENT SAVINO: Senator Libous, on the bill.

SENATOR LIBOUS: Thank you, Madam President. I'd like to ask Senator Dilan a question, if I may. Would he yield?

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

SENATOR DILAN: Yes, Madam President.

ACTING PRESIDENT SAVINO: Senator Dilan yields.

SENATOR LIBOUS: Senator Dilan, in one of your precincts is it set up where you walk and that you have two inspectors that are Republican and two inspectors that are Democrat?

SENATOR DILAN: In my county or in my city, they do have Republican inspectors and Democratic, yes. And in most cases throughout the state it would take at least

four inspectors to run an election district.

SENATOR LIBOUS: And if Senator Dilan would continue to yield.

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

SENATOR DILAN: Yes, Madam President.

SENATOR LIBOUS: And I believe most of our board of elections are made up for the most part of the Democrat side and the Republican side, both parties are equally represented? Is that true, Senator Dilan?

SENATOR DILAN: That's correct.

SENATOR LIBOUS: I guess where I'm confused -- and I believe, you know, you're well intended here, if they're not of voting age and they're not registering, how would one know if there's equal or parity among those working in the office? Is it possible that you have three, for the sake of discussion, Republicans and one young Democrat in the office who have, you know, their feelings swayed a particular way?

Because I know when I go into vote, there's two Democratic inspectors, two

Republican inspectors. The Republican inspectors usually smile at me, and the Democrats usually snarl at me unless I bring them doughnuts.

(Laughter.)

SENATOR LIBOUS: So would it be equal representation? But how would we know that, because they're not registered to vote?

ACTING PRESIDENT SAVINO: Are you asking Senator Dilan to continue to yield?

SENATOR LIBOUS: Well, I am asking Senator Dilan, Madam President.

ACTING PRESIDENT SAVINO: Senator Dilan, do you yield to answer that question?

SENATOR DILAN: Yes, I do, Madam President.

But I guess the only way that I could answer that question, because I think I know where Senator Libous is going with this, in terms of the partisanship of the boards of elections throughout the State of New York is that it gives the person, the 17-year-old, the chance to decide their future in terms of what political enrollment they may follow in the future.

But I would have to consider a person of that age to be perhaps more independent than either the Democratic inspector or the Republican inspector. And I guess that's the best way I could answer the question.

And I would also trust that the boards of elections or, in many cases, as you know, county leaders are the ones that do appoint inspectors or district leaders, whichever the rules may be in a county. And I'm sure that that's something that has been worked out in 40 states, and I'm sure that in New York State we will be able to do the same.

SENATOR LIBOUS: Madam President -- thank you, Senator Dilan -- on the bill for a second, please.

ACTING PRESIDENT SAVINO: Senator Libous, on the bill.

SENATOR LIBOUS: That is, in my opinion, the fatal flaw of this bill. Our electoral process is set up on a two-party system. It's set up with equal representation, both in election offices, the state board of elections is set up that way.

I think every election office in all 62 counties are set up that way. And at the polling place it's set up that way.

So I would find this very difficult. While I think it's honorable to get young people involved in the electoral process and I'm all for that, and I applaud Senator Dilan for his intention, I think this bill is flawed. I think it would be a disaster because it would allow organizations like ACORN and Citizen Action and others -- and, for that matter, those could load the election office or, quite frankly, the polling place with partisans.

And I think at least under our present system we know that there are equal representations among both parties, and I think that's the way it should be. So when we come to a vote, I'm definitely going to vote against this bill.

ACTING PRESIDENT SAVINO: Senator Dilan, on the bill.

SENATOR DILAN: Okay, I would just like to note Section 3418 of the Election Law where election inspectors and poll clerks

on emergency situations, there are provisions for filling vacancies when an inspector may be absent. So there are provisions within the Election Law where individuals who are appointed inspectors or poll clerks -- and at that particular moment in time when you all of a sudden just appoint a person, we really do not know what political party they may belong to. So there are provisions within the Election Law to handle that.

But as I indicated earlier, also, in many cases I believe throughout the State of New York and in the 62 counties, the Republican county leader and the Democratic county leader are the ones that are doing the appointing. So I would have to assume that the Republican leader would appoint young Republicans, and I would assume that the county leader of the Democratic Party would do the same in his party.

So I vote yes.

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

SENATOR HANNON: To speak after Senator Dilan.

ACTING PRESIDENT SAVINO: Senator Dilan, are you finished?

SENATOR DILAN: Yes.

ACTING PRESIDENT SAVINO: Thank you.

Senator Hannon, there is a list. Senator Oppenheimer is next, and then you.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Just very briefly.

I think this is a great bill. When I think of the things that we did to try and encourage young people to get interested in our government and in our political system, when I was president of the League of Women Voters, we used to set up bridge tables in the halls of the high school to try and encourage the youngsters who were in their senior year to get involved and to vote. And we used to have programs where different students would be acting as their Senator, myself, or the Assemblyperson, and they would have debates between each other in the classroom.

And all these efforts, I mean, are just going to be enhanced by this. Because

this is something that puts them into the real world. This is really a part of what it is all about. And I'm almost assured that they will be voters when they turn 18.

And we keep saying, number one, we have such a hard time getting election inspectors, which happens to be true. And here's an avenue where we can get some youngsters and, at the same time, get election inspectors.

And I forget my other point, but I think it's a terrific idea. And I applaud the sponsor.

ACTING PRESIDENT SAVINO: Senator Hannon, on the bill.

SENATOR HANNON: Yes, Madam President.

I appreciate the efforts of Senator Dilan to move this forward. But he had made a response to the point raised by Senator Libous that the Election Law provides for the appointment of inspectors in terms of emergencies. That's a whole specific section of the Election Law that is for rare occasions. And if I recall -- and I have good

reason to recall, having done a fair amount of this -- it only refers to voters available at the polling place to be appointed as an election inspector.

And therefore, once again, the fatal flaw that Senator Libous pointed out to you, that namely you must be a voter in order ascertain whether or not you are registered in one party or another, still prevails.

So you can't be an inspector unless you're a voter. And unless you want to amend your bill and allow people to be voters at 17, you're just not going to be able to make this thing fly.

There is one provision that allows people who will turn 18 by Election Day to register early, but that's not something that would apply in your case.

So whatever your good intentions are, it just doesn't work in this situation.

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 and ask all the members to return to the chamber.

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.)

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

SENATOR DILAN: Yes, I just want to add to my comments, in view of the last speaker, that Section 3404 of the Election Law, inspectors and poll clerks designation, Section 4 there merely states that appointment of an election inspector, polls clerk and election coordinators shall be made by the board of elections. And that portion of the Election Law doesn't really address itself to partisanship.

And, you know, I've heard the comments from the other side of the aisle, and at this point they're not citing any particular section of the Election Law that backs up what they're saying.

Thank you.

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

SENATOR DeFRANCISCO: I'm voting no because there seems to be a basic inconsistency, in my mind, to allow someone who's not eligible to perform a function to actually supervise that function. It just doesn't make sense logically to me.

And if you want to get kids involved, make them an assistant commissioner to assist in whatever the election commissioners will do on Election Day, to get their interest, as opposed to supervising a process that they're not eligible to participate in.

It's -- you know, I was thinking of an analogy. Maybe this is not a good one. But we don't allow individuals under 21 to drink. Would we want a 17- or an 18-year-old, a 19-year-old to be a member of the ABC Board so that they'll learn responsibility about how bad it is to drink and drive under the influence?

So it just doesn't make sense

logically to me. So for that reason, I'm voting no.

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 190 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, 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, 29.

ACTING PRESIDENT SAVINO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 285, by Senator Stachowski, Senate Print 6833, an act to amend the Local Finance Law.

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

Read the last section.

SENATOR LIBOUS: Explanation.

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

SENATOR STACHOWSKI: Yes, this is a bill that amends the Local Finance Law in relation to the sale of municipal obligations by the County of Erie. It permits the County of Erie to market serial bonds at a private sale through June 30, 2011.

It proves Erie County with sufficient flexibility in bond sales to maximize the return on the bonds sold. It amends Section 54.50 of the Local Finance Law to permit the County of Erie to market serial bonds at a private sale through June 30, 2011.

SENATOR LIBOUS: Satisfactory.

SENATOR STACHOWSKI: Thank you.

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

Seeing none, the debate is closed.

The Secretary will please ring the bells.

Senator DeFrancisco.

SENATOR DeFRANCISCO: While we're waiting for everybody to recongregate, I would

like to give a thought to the Majority as a new reform for this body. And that would be to go back to the old system where, if you wanted to vote no, you would have to be in here. Otherwise, you don't have to sit around here to vote yes.

And maybe we would be able to do a bill each half-hour so we don't have to round up the rest of the people. This is a very inefficient way to do business. It was much more efficient before that rules change took place. And I'm extremely serious about this. I don't think it adds anything to the process, and it obviously lengthens the process substantially.

Thank you.

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: Ayes, 60. Nays, 1. Senator Skelos recorded in the negative.

ACTING PRESIDENT SAVINO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 286, by Senator Thompson, Senate Print 6862, an act to amend the Local Finance Law.

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

SENATOR LIBOUS: Explanation.

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

SENATOR THOMPSON: Sure. Thank you for recognizing me. You look nice in red today, Madam President.

ACTING PRESIDENT SAVINO: Thank you, Senator Thompson.

SENATOR THOMPSON: This bill is an extender. It has been continually extended since 1984.

The bill also allows Buffalo to use an underwriter to negotiate the sale of bonds because of their low bond rating. Municipalities with higher bond ratings can go directly into the market and competitively bid

for their bonds. So this is very important for the City of Buffalo. It would extend this program until June 30, 2011.

SENATOR LIBOUS: Satisfactory.

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

Hearing none, the debate is closed.

The Secretary will ring the bells.

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.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 1. Senator Skelos recorded in the negative.

ACTING PRESIDENT SAVINO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 381, by Senator Perkins, Senate Print 6066A,

an --

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

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

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

Senator Klein.

SENATOR KLEIN: Madam President, at this time can we please go to a reading of Supplemental Calendar Number 39A.

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 424, Senator C. Kruger moves to discharge, from the Committee on Finance, Assembly Bill Number 10847 and substitute it for the identical Senate Bill Number 7605, Third Reading Calendar 424.

ACTING PRESIDENT SAVINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 424, by the Assembly Committee on Rules, Assembly Print Number 10847, an act making

appropriations for the support of government.

ACTING PRESIDENT SAVINO: Senator Klein.

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

ACTING PRESIDENT SAVINO: There is a message of necessity and appropriation at the desk.

SENATOR KLEIN: Madam President, 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 is laid aside.

The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 425, Senator C. Kruger moves to discharge, from the Committee on Finance, Assembly Bill Number 10848 and substitute it for the identical Senate Bill Number 7606, Third Reading Calendar 425.

ACTING PRESIDENT SAVINO: Substitution ordered.

THE SECRETARY: Calendar Number 425, by the Assembly Committee on Rules, Assembly Print Number 10848, an act to amend Part RR of Chapter 57 of the Laws of 2008.

ACTING PRESIDENT SAVINO: Senator Klein.

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

ACTING PRESIDENT SAVINO: Senator Klein, there is a message of necessity 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. All those in favor 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 is laid aside.

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

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

ACTING PRESIDENT SAVINO: The Secretary will ring the bell.

Members are asked to come to the chamber for the reading of the controversial supplemental calendar. And perhaps they will stay here for a while.

The Secretary will read.

THE SECRETARY: Calendar Number 424, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 10847, an act making appropriations for the support of government.

SENATOR DeFRANCISCO: Explanation.

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

SENATOR CARL KRUGER: Thank you, Madam President.

This bill is the fourth extender for a period to end on May 2nd of 2010. It makes an All Funds appropriation of $5.6 billion and it makes a General Fund appropriation of $3.6 billion.

ACTING PRESIDENT SAVINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Would Senator Kruger yield to a question?

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

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

ACTING PRESIDENT SAVINO: Senator Kruger yields.

SENATOR DeFRANCISCO: This past week we had a very dire warning from Comptroller DiNapoli concerning the state running out of money in June unless we have a budget in place. That was his remedy, a responsible budget in place.

Before we do another extender, I think it's important for everyone here in the Senate, both sides of the aisle, to understand the status of the negotiations that are occurring and have occurred from last week to this week.

And my question, Senator Kruger, is what is the status of the negotiations?

SENATOR CARL KRUGER: Ongoing.

SENATOR DeFRANCISCO: Senator Kruger, I would like -- would he yield for another question?

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

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

ACTING PRESIDENT SAVINO: Senator

Kruger yields.

SENATOR DeFRANCISCO: I would like to know, Senator Kruger, specifically what subjects of the negotiations have been closed out that have been agreed to between the Senate and the Assembly, and specifically what items are still open for negotiation between the leaders. Could you answer that, please?

SENATOR CARL KRUGER: Through you, Madam President. As I have said in the past and I will continue to reiterate, the negotiations are ongoing. They are three-way negotiations. They are in a critical stage in that negotiation.

And we are very optimistic that we will be -- that a budget will come out of those negotiations.

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question.

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

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

ACTING PRESIDENT SAVINO: Senator

Kruger yields.

SENATOR DeFRANCISCO: My only source of information is newspaper articles and rumors. And I would ask Senator Kruger, there was a report in the Ithaca Journal between last week and this week saying that Assemblyman Sheldon Silver said that lawmakers have agreed about $6 billion of the $9.2 billion needed to reach a budget deal.

Can you answer me, Senator Kruger, specifically whether that is in fact the case?

SENATOR CARL KRUGER: Through you, Madam President, I would never question the Speaker's words. And I would think that in principle that is a very close approximation.

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question?

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

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

ACTING PRESIDENT SAVINO: Senator Kruger yields.

SENATOR DeFRANCISCO: I would

like just a straight answer, Senator Kruger. The straight answer is have $6 billion, yes or no, of the estimated shortfall been agreed to between the Senate and the Assembly leaders?

SENATOR CARL KRUGER: Through you, Madam President. Once again, Senator, I will restate, for the record: Negotiations are ongoing. As you well know, as someone who has been in this majority up until two years ago, for a very, very long time, that negotiations, when they reach a critical stage, they're a moving target. And numbers today are not necessarily close-out numbers of tomorrow.

So in principle, the newspaper report -- and quite frankly, I don't read the Ithaca Journal as a matter of due course. But in principle I would have to say that the Speaker is accurate in his approximations as to where the gap is and to what has been agreed upon.

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 continues to yield.

SENATOR DeFRANCISCO: Since I have to get read the Ithaca Journal, not getting any other information from either the Majority or from my questions of Senator Kruger, would you tell me what $6 billion has been agreed to?

SENATOR CARL KRUGER: Through you, Madam President. As I have said and I will continue to say, that the negotiations are ongoing and they're critical. And the $6 billion is not a hard $6 billion number. And it would jeopardize the negotiation if we were to go into specific detail.

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question.

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

SENATOR CARL KRUGER: Yes, one more question, Madam President.

ACTING PRESIDENT SAVINO: Senator Kruger yields for one more question.

SENATOR DeFRANCISCO: Senator Kruger, could you give me one item of the $6 billion that has been agreed to, a specific item?

SENATOR CARL KRUGER: Through you, Madam President, I don't understand the question.

SENATOR DeFRANCISCO: Senator Kruger, you indicated that $6 billion was a good approximation of what items had been agreed to to reduce the budget deficit. I'm asking you to give me one specific item that has been agreed to.

SENATOR CARL KRUGER: Well, through you, Madam President, rather than giving you one specific item, I can say that what we are doing is negotiations are centered around cuts and administrative efforts to shorten the gap between the budget deficit. And at this point, I think that that pretty much puts us where we are at.

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question?

SENATOR CARL KRUGER: I originally said one more question, but I will

take the Senator's additional question.

ACTING PRESIDENT SAVINO: Senator Kruger will yield for an additional question.

SENATOR DeFRANCISCO: Senator Kruger, there were a series of proposals for tax increases that were proposed over the last couple of weeks, one of which was an increase in the mortgage recording tax. Can you tell me whether that was one of the items that was agreed to?

SENATOR CARL KRUGER: Through you, Madam President, I cannot say with any certainty that that is the case.

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question?

ACTING PRESIDENT SAVINO: Senator Kruger?

SENATOR CARL KRUGER: This always is like the last of the last questions. Yes, one more question.

ACTING PRESIDENT SAVINO: Senator Kruger yields for one more question.

SENATOR DeFRANCISCO: Can you tell me, Senator Kruger, whether some of the increased taxes on registrations for

automobiles that was proposed or at least released by Senator Dilan, whether that has been agreed to by the leaders to date?

SENATOR CARL KRUGER: Through you, Madam President, to the best of my knowledge, no.

And for the record, Senator, what I don't want to do is negotiate the budget between me and you on the floor by you asking me questions and me giving you answers.

So I think at this point, in explanation to the bill, this emergency extender bill provides as is outlined in the legislation.

Thank you, Madam President.

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question?

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

SENATOR CARL KRUGER: No.

ACTING PRESIDENT SAVINO: Senator Kruger does not yield.

Senator DeFrancisco.

SENATOR DeFRANCISCO: On the bill.

ACTING PRESIDENT SAVINO: Senator DeFrancisco, on the bill.

SENATOR DeFRANCISCO: You know, I really don't know what to say about this dialogue that just took place.

On the one hand, we can't get Senator Kruger to answer questions any longer. He's had his limit. God forbid he be asked more than five or six questions and have to answer them as chairman of Finance.

But even more importantly, the answers that were given really, by any standard, would be considered nonresponsive.

We have a Comptroller in the State of New York who happens to be a Democrat, who was appointed to replace someone who had to step down from office, who's warning everybody that we are in deep trouble, even deeper than we ever expected, that we're going to not have enough money to pay bills in June.

Now, to me, that's a pretty serious situation. And it's a pretty serious situation when he says that the only way that this is going to be resolved is to have a responsible budget.

To not get any information, to have to read newspapers and tell our constituents second- or third- or fourth-hand, by rumor, because we can't get responsive answers and we can't get any information and we're knocked out of the process, is just appalling. It truly is appalling.

And the part that's even more amazing is Senator Kruger specifically says, We don't want to negotiate this on the floor. We don't want to negotiate between us. What are we here for? Are we here to wait for the bill to come on the floor like last year and say yes or no without any input? Is that what we're waiting for?

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

SENATOR CARL KRUGER: As a point of information to the Senator's response.

Through you, Madam President, I did not say that we should not debate the budget on the floor. I said that I did not want to debate the budget with him when we don't have a budget.

But the point that I want to make,

and very, very clearly, is if you want to --

SENATOR DeFRANCISCO: Would Senator Kruger yield to a question?

SENATOR CARL KRUGER: I have the floor, Senator.

SENATOR DeFRANCISCO: I'm asking -- I'm asking --

SENATOR LIBOUS: Point of order, Madam President.

ACTING PRESIDENT SAVINO: Senator --

SENATOR DeFRANCISCO: Excuse me. Excuse me --

ACTING PRESIDENT SAVINO: Senator DeFrancisco has the floor.

SENATOR DeFRANCISCO: I think I have the floor. And he interjected without asking a question, so I believe he's out of order.

You're out of order.

(Laughter.)

SENATOR DeFRANCISCO: I think that was in a movie, wasn't it?

ACTING PRESIDENT SAVINO: Senator DeFrancisco, I have recognized that you have

the floor. I make the rulings, though.

SENATOR DeFRANCISCO: I have the floor?

ACTING PRESIDENT SAVINO: You do have the floor. Senator Kruger had risen, though, and I asked him why he rises, and he wanted to make a point.

Were you going to ask Senator DeFrancisco to yield to a question, Senator Kruger?

SENATOR CARL KRUGER: Yes, I am.

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

SENATOR DeFRANCISCO: Of course. I'll yield to any question that my colleague wants to ask me. This is a democracy in this room.

ACTING PRESIDENT SAVINO: It certainly is.

SENATOR CARL KRUGER: Thank you so much, Senator.

Through you, Madam President. My question, I guess, is predicated on your statement that I was not willing to argue the budget bill on the floor. Do you realize that

this is not a budget bill as a budget, but this is purely an emergency extender of our spending plan?

SENATOR DeFRANCISCO: Of course I realize that.

SENATOR CARL KRUGER: Will the Senator yield for another question?

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

SENATOR DeFRANCISCO: Of course.

ACTING PRESIDENT SAVINO: Senator DeFrancisco continues to yield.

SENATOR CARL KRUGER: And, Senator, in light of the fact of your statement that the Comptroller is deeply concerned over whether or not we have cash on hand to pay our June bills, wouldn't it be a fair statement to say that not to vote for today's extender and basically close down government would be an irresponsible act?

SENATOR DeFRANCISCO: The answer to that is there is an alternative. There's an alternative, as I proposed last week, the week before that, and that is to start opening budget negotiations so that maybe some

progress will be made one week, the next week, rather than continuing on with this process.

So my point simply is you can't go on indefinitely with one-week extenders with a process that is totally dysfunctional without any information getting out to other members of the body, without any public dialogue, without any following the law, without the public being part of the process. That's the alternative.

SENATOR CARL KRUGER: Through you, Madam President, would the Senator yield to another question?

ACTING PRESIDENT SAVINO: Do you continue to yield?

SENATOR DeFRANCISCO: I would be happy to.

ACTING PRESIDENT SAVINO: Senator DeFrancisco continues to yield.

SENATOR CARL KRUGER: Senator, while we use the words "negotiate" and an "open process," and we talk about transparency and accountability, once again, my question to you is today, while we move in that direction, wouldn't a negative vote today against this

extender and close down government be an irresponsible act?

SENATOR DeFRANCISCO: Senator Kruger, I would support this particular piece of legislation if I felt that government would close down if I didn't.

However, I don't believe government would close down if I didn't. I would think that it would mean that we would have to start a process immediately to get a negotiation started.

Now, if you want to make an amendment to this particular bill that we'll go one week more but during that week we'll follow the 2007 law, we'll open up the process, we'll let the public know what's going on, you'll be able to answer the questions about what's agreed to, what isn't, what's on the table so the public can go in, I'd support this in a minute.

But you can't even answer a question as to what's going on, let alone give me a comfort level or anyone else a comfort level in this room that something is really happening this week so we won't go into next

week, the week after, and into the summer and the fall.

SENATOR CARL KRUGER: Through you, Madam President, would the Senator yield for another question?

ACTING PRESIDENT SAVINO: Senator DeFrancisco?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT SAVINO: He continues to yield.

SENATOR CARL KRUGER: Thank you, Madam President.

At 12 o'clock midnight tonight, the extender that currently exists expires. Are you familiar with what happened in Michigan when their extender wasn't renewed?

SENATOR DeFRANCISCO: I'm not familiar specifically with Michigan. But I suppose bills wouldn't be paid, just like the Governor is deciding right now not to pay bills that he chooses not to pay.

SENATOR CARL KRUGER: Through you, Madam President, when the extender expired in Michigan for four hours, for four hours, 53,000 employees were let go, 35,000

employees were suspended, including four-fifths of the State Police, highway rest stops were barricaded, drawbridges were left open and traffic cameras turned off. Campers were ordered to leave state parks, freeway rest stops were barricaded, drawbridges were left open. Traffic monitoring cameras went dark at midnight. Branch offices in the Department of Motor Vehicles posted signs over the weekend saying that they were closed. State lottery operations, liquor sales and road construction was halted immediately. Unemployment offices were closed, and no unemployment checks were issued to those 35,000 employees. And the list goes on and on.

And that was after four hours of their effort not to take a responsible position and to vote for an extender.

SENATOR DeFRANCISCO: Now, may I have the floor back again, now that he's made his speech?

SENATOR CARL KRUGER: Thank you, Madam President.

ACTING PRESIDENT SAVINO: Yes.

Senator DeFrancisco, on the bill.

SENATOR DeFRANCISCO: The point is -- it's a very excellent point. That point is that we're going run out of money. What in God's name's going to happen in June or May, whenever we run out of money? The unemployment offices are going to be closed, the public employees aren't going to get paid, other people aren't going to get paid? Government is going to stop.

And unless the Majority, whose responsibility it is to pass a budget or to start the process going, the 2007 reform process, unless that process begins, we could be going week after week leading up to that situation in June. That's irresponsible.

And that's why I'm asking you all the questions for which I got no answers as to what's been going on since April 1st till now -- April 26th, I believe. April 26th. What's been going on? Ongoing negotiations. What's been going on? Continuing critical negotiations. Waiting for a critical mass.

You know, please. Please. Don't insult the public's intelligence. Right now

there's a battle going on between two houses who can't agree, the two Senate Democrat majorities from New York City who can't agree, the majority leaders. And they won't tell us what they can't agree on. And if they do, who knows if it's true or not? It could be one of the spins that we've heard year after year.

Like the spin last year, no new taxes, and we got $8 billion more when the final budget bill was plopped on our desks, take it or leave it. Well, we said leave it. We don't think that's the way to do a budget.

So if it's a critical situation at midnight tonight, it is not because we on this side of the aisle haven't been doing our best to try to get this process open and done. It's because of the closed-door meetings that are totally nonproductive and are so hush that the Senate Finance Committee chair doesn't even know what's going on.

That's what beautiful about this discussion; he has no clue what's going on. It's not that he doesn't want to answer. Because he doesn't know, he can't answer.

So, ladies and gentlemen, you know,

I keep saying this, for the last couple of weeks -- I voted for the first couple of extenders, but the last couple of weeks I voted no. This process can't go on indefinitely, because we're going to close government one way or the other by the Majority not doing what they're supposed to be doing and having the public discussions with the conference committees so the public knows what's in store for them and we can vote according to our constituencies.

So I'm going to vote no on this budget bill. And again, I'm going to encourage as many people who feel the same way as I do that we're in a dead-end course with this process, with this Majority who was going to reform the way the process worked. The only reform we've gotten in this budget process is we've ignored the 2007 law. If that's reform, then I'm just confused about what reform really means.

So I'm going to vote no, and I urge my colleagues to vote no as well, to stop this nonsensical process and get budget negotiations going in public so we can talk

about this budget in a responsible way and vote in the proper way for the State of New York before everything does shut down.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Thank you.

Senator Flanagan, on the bill.

SENATOR FLANAGAN: Thank you, Madam President. Would Senator Kruger yield for a question?

ACTING PRESIDENT SAVINO: Senator Kruger, do you yield?

SENATOR CARL KRUGER: Yes, I do.

ACTING PRESIDENT SAVINO: Senator Kruger yields.

SENATOR FLANAGAN: Senator Kruger, following up on your discussion with Senator DeFrancisco, I want to focus in specifically on school aid.

The Senate Democrats' resolution basically accepted $1.4 billion in cuts, thereabouts, from the Governor, and the Assembly came in with a proposal restoring $600 million. Can you tell me the status of those negotiations specifically as it relates

to school aid? Have you come closer to the Assembly? Are they closer to where you are?

SENATOR CARL KRUGER: Through you, Madam President. Senator Flanagan, when we had our DRP prior to this budget, it was our position that we would offer no midyear cuts to school aid. And we accomplished that, without the support of the other side of the aisle.

Now we were we were faced with the Governor's cuts to school aid which were draconian. And once again, we're charged with the responsibility of mitigating those draconian cuts. And that is one of the battles that are waging right now.

And to say anything more than the fact -- and notwithstanding my esteemed colleague saying that I'm not aware of what's going on, needless to say, that we are deeply engaged in protecting both school aid and looking with very keen eyes in reducing property tax at the same time.

SENATOR FLANAGAN: Madam President -- thank you, Senator Kruger -- on the bill.

ACTING PRESIDENT SAVINO: Senator Flanagan, on the bill.

SENATOR FLANAGAN: Senator Kruger, I just want to point out, I would have to -- unfortunately, I would have to -- no, not unfortunately, fortunately I would agree with Senator DeFrancisco. Because not only are you wrong on the facts, but now you're revising history.

Senator Skelos and this conference were the first group to stand up and say there should be absolutely no midyear school cuts, period. Others came along, including you, and ultimately that's what was happening. And that's what did happen. That was a good thing for school districts and for property taxpayers.

I voted for the DRP. I voted for the DRP, along with many of my colleagues -- acted responsibly, offered alternatives, came out with a real plan, the bulk of which was ultimately adopted by this house, with the Assembly and with the Governor. So please, if we're going to have a discussion about the facts, get them straight.

Now, as it relates to this bill, I asked the question about school aid because now we have timing problems. Now we have legitimate considerations, and school districts don't know what's going on. Unfortunately, I think most of them said, We'll probably assume no more money from the state budget. At this point, that's probably a safe bet.

But I listened to what you were saying, and I'm very happy to know that you know so much about the State of Michigan. I wish we had as much as knowledge about the State of New York and what's transpiring here. I have been here for long enough to know that we don't have to do an extender for a week. We could do it for a day.

And I don't believe for one second that if we were vote no on this -- and I'm going to vote no, and I have voted no -- that that's an irresponsible act. There have been plenty of times and plenty of opportunities for real negotiations in public.

And yes, will there be private negotiation? I understand that. And no one's

naive to that. And I don't think Senator DeFrancisco is naive to that either.

But at least get out some information. At least get something out so school districts can plan.

You know, maybe we should be talking about extending their time for a school budget vote because they don't have the right information because there's nothing forthcoming from you, there's no conference committees.

Now, we're going to have an amendment on the next bill having to do with employee reserve funds in school districts. That's something that should have happened. That's something that's in your Senate resolution. That's something I asked the Governor in writing and on the phone to his staff to put into this bill today, and they didn't do it.

So please, if we're going to have legitimate discussions about where we're going, I think it's fair to look at where we've been. And frankly, we've been nowhere. And that's the problem. There should be much

more open dialogue. And if we have to stay here every day, that's what we should be doing.

So I don't mind having a debate, I don't mind having a debate on the legitimate facts. But we should be having that discussion so all the residents of the State of New York and the property taxpayers, most importantly, can get a real glimpse of what's going on here.

ACTING PRESIDENT SAVINO: Senator Marcellino, on the bill.

SENATOR MARCELLINO: Thank you, Madam President.

I have voted no on these extenders since the beginning because I felt the system was, frankly, dysfunctional, the process a sham. I still think it's a dysfunctional process and it's a sham.

We have just heard a dialogue between Senator DeFrancisco and Senator Kruger which, frankly, reinforces my worst fears. The discussions, if there are any ongoing, are going nowhere. We don't know what the disagreement is about. We hear it's about

something, what we read in the papers. I don't know if I can trust everything I read in the papers. It's not always the truth. It's not always factual.

Yet we're kind of left with that. Then, when we go back to our constituents and they say, "What's going on?", I don't know any more than they do, because they read the papers as well as I do.

The name of the game is we're supposed to be discussing something very serious here. That is the State of New York's budget. And we're really not. There are no discussions going on. This side of the aisle is not involved. I don't know how many of your side of the aisle, the Majority side, is involved, if anybody. Is it just three leaders in a room? I don't know. Are we back to that again, three leaders in a room?

I thought we got away from that. We were supposed to. Everybody said at one time that that's what we wanted. But we seem to have gotten away from that. Now we're back to three people in a room.

I don't even know who the three

people are at any given time anymore. At least then we had an idea. Now we don't. We read all kinds of things in the paper and the public is getting, frankly, more and more frustrated and angrier and angrier.

School budgets. Senator Flanagan is 100 percent correct. School districts throughout the state are setting their budgets now for their vote in May. They have to present it to the public. They have to go forward. They're going forward with the Governor's proposal, in most cases, because they don't know of anything else. They'd like to present an accurate picture to their constituents. They cannot, because we have we haven't given them the information.

I think that's terrible. We definitely should give them everything we know. We definitely should let them know what's going on. Yet we cannot because we do not know the answers, and we do not get any answers when we ask.

The Comptroller of the state -- who is an excellent friend. I've known him for many, many years. I voted to put him in when

we all had that selection process. Which was under some controversy, because the sitting governor at that time was opposed to the process and didn't like the way it was done, even though it was constitutional and according to the law. He kind of felt he was above the law. Well, that changed.

Comptroller DiNapoli says we're going run out of money in June. The Governor, Governor Paterson says we're going to run out of money in June. Lieutenant Governor Ravitch says we're going to run out of money in June. Are we going to keep doing this dysfunctional process till we run out of money?

Then what are you going to do? Then what happens? Are we going to close all our schools? Are we going to close the rest stops on the highways? Are we going to tell the State Police, the state troopers to go home? Are we going to close down all the labor departments and all the health departments? Are we going to close down the DEC? Are we going to close down everybody throughout the state because we're going to allow this process to run out of money? Well,

if we keep doing this, this is what the Comptroller has said is going to happen.

Now, I don't see that as real. I don't see that as a good thing. I think that is a bad thing and we've got to end it now. And I think we must end it now.

I'm going to vote no on this resolution because it's not helpful and it's not going to solve the problem. And I think we need to get down to serious budget negotiations -- all of us together. Not just three people in a room, all of us together.

I'll be voting no, Madam President.

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

Senator Diaz, on the bill.

SENATOR DIAZ: Thank you. Thank you, Madam President. Would Senator Kruger take a question or two, please?

ACTING PRESIDENT SAVINO: Senator Kruger has stepped out of the chamber.

SENATOR DeFRANCISCO: I'll answer it for him.

(Laughter.)

ACTING PRESIDENT SAVINO: Thank you, Senator Diaz.

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

Hearing none, debate is closed.

The Secretary will please ring the bells.

Will the members please return to the chamber.

Senator Diaz, are you requesting that Senator Kruger yield for a question?

SENATOR DIAZ: Yes, Madam President.

ACTING PRESIDENT SAVINO: Senator Kruger, will you yield for a question from Senator Diaz?

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

SENATOR DeFRANCISCO: Point of order.

I thought that the debate was closed. You rang the bells for the vote.

ACTING PRESIDENT SAVINO: Senator DeFrancisco, I decided that I would grant Senator Diaz the courtesy of getting his

question answered before we move forward. I'm sure he won't be long.

SENATOR DeFRANCISCO: So this is germane and its' timely and it's proper?

ACTING PRESIDENT SAVINO: It's my decision.

SENATOR LIBOUS: Madam President. Madam President --

ACTING PRESIDENT SAVINO: Senator Diaz has the floor.

SENATOR LIBOUS: Madam President, point of order.

ACTING PRESIDENT SAVINO: What is your point of order, Senator Libous?

SENATOR LIBOUS: My point of order, Madam President, is if you wish to undo what you did, we have to do it in the form of a motion.

ACTING PRESIDENT SAVINO: Senator Libous, your point of order is out of order. This is simply a courtesy.

SENATOR LIBOUS: Madam President, I am being as respectful as --

ACTING PRESIDENT SAVINO: Senator Diaz withdraws his question. And, Senator

Libous, we are back on --

SENATOR LIBOUS: Thank you, Madam President.

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.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 424 are Senators DeFrancisco, Flanagan, Golden, Hannon, O. Johnson, Larkin, Libous, Marcellino, Maziarz, Nozzolio, Ranzenhofer, Seward, Skelos, Volker and Young. Also Senator Griffo. Also Senator Winner.

Ayes, 44. Nays, 17.

ACTING PRESIDENT SAVINO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number

425, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 10848, an act to amend Part RR of Chapter 57 of the Laws of 2008.

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT SAVINO: Senator Libous.

SENATOR LIBOUS: I believe there are four amendments at the desk, and the first one is by Senator Robach. I would ask that you waive its reading and call on the good Senator, please.

ACTING PRESIDENT SAVINO: Senator Robach, the reading is waived and you may speak on your amendment.

SENATOR ROBACH: Yes, Madam President. This amendment would provide for funding authority for all capital construction projects, including monies for road/bridge contractors who haven't been paid since last month.

This is the third time we've asked our colleagues to support this. We talk about the importance of jobs. Here's one where every one of these has been appropriated.

It's a combination of federal and state money. Work is being done. This is forcing work to stop that's in progress, people to be laid off at a time when we should be using this money to create jobs as it was intended.

Not only roads, bridges, capital construction, SUNY capital. I have a project at Brockport College -- not only in proximity to my district, also my alma mater -- an academic field house and event center, $29 million, shovel in the ground, now going to suspend payment if we don't do something different.

And after hearing the dialogue between some of my colleagues and Senator Kruger, I think it's even more imperative than last week that we rectify the decision that the Governor made not to put this in, as it looks like this process may be going on, unfortunately, for some time.

So I would urge that we do the right thing, adopt this amendment to include those capital projects with other money going out the door so they can do the right thing, get people back to work, finish the projects

with money that is there -- a combination, again, of federal and state dollars -- and do the right thing.

I would urge all my colleagues to vote for this and at least, in this unfortunate delay in the budget, try and do the right thing for jobs and the economy and get these projects moving.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Robach, after reviewing your amendment, I am ruling your amendment out of order.

The bill in chief amends specific sections of law relating to the Local Government Assistance Corporation. The subject of your nonsponsor amendment falls far outside the narrow scope of the bill. Therefore, it is not germane and out of order under Rule 9, Section 3.

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT SAVINO: Senator Libous.

SENATOR LIBOUS: Point of order.

I respectfully disagree with your ruling, and the amendment is not out of order.

We are dealing with an Article 7 bill that is being amended. Article 7 bills can be amended. His amendment is perfectly in order, and I challenge the ruling of the chair.

ACTING PRESIDENT SAVINO: Senator Libous, you may challenge the ruling of the chair.

There's a motion to overturn 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, 29. Nays, 32.

ACTING PRESIDENT SAVINO: The motion fails.

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT SAVINO: Senator Libous.

SENATOR LIBOUS: I believe there's an amendment at the desk by Senator LaValle. I ask that you waive its reading and please call on Senator LaValle.

ACTING PRESIDENT SAVINO: There is an amendment at the desk. And the reading

is waived, and Senator LaValle may speak on the amendment.

SENATOR LaVALLE: Thank you, Madam President.

I'm going to preface my remarks before I explain the amendment a bit.

My remarks are that I think everyone knows and understands that school property taxes have gone up and up and up each year regardless of the state aid that we have given to local school districts. If you looked at a chart, prior to this year you would see state aid going up and a parallel line of increases in school real property taxes.

We presently spend somewhere in the neighborhood of about $55 billion to educate our 3 million children in the State of New York. $21 billion comes from state aid to education, and the people of this state pay the rest in higher property taxes.

This has received recognition by the Governor and this body. This body has, in a bipartisan way, passed tax cap legislation. Democrats, Republicans. Today I'm giving

everyone an opportunity to follow what Massachusetts and New Jersey has, by having a tax cap of not 4 percent but 2.5 percent, excluding capital construction projects, or 120 percent of the CPI, whichever is less.

This bill allows, as we have in other instances, both an override and an underride. We allow, if people in a school district feel that they want to exceed the limitations in the bill, and their state aid is less than 5 percent, they can, with a vote of 55 percent of the people, they could override the cap. If they received 5 percent or greater, they would need a 60 percent vote.

If they chose to go below the limitation, they could take 1.5 percent, put it in a bank, so that the following year they could use up to 1.5 percent.

We also allow school districts on their own to change the limitations by a vote of the people to make it less than the 2.5 percent or the 120 percent of the CPI.

Today people are so focused on spending. People are unemployed, people are losing their homes. There is an emergency out

there. There is an exigency that has not existed heretofore. And so we take this measure, even though our house has passed a 4 percent cap, or 120 percent of the CPI, whichever is less. This bill, given this time, is the right remedy.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator LaValle, after reviewing your amendment, I must also rule your amendment out of order.

As the bill in chief amends specific sections of law relating to local government assistance, the subject of your nonsponsor amendment, while it is persuasive, falls outside the scope of the bill. Therefore, it is not germane and out of order under Rule 9, Section 3.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

I stand to challenge the ruling of the chair because I would entirely disagree with you, Madam President, that the bill is germane. It is germane as it pertains to a portion of New York State in which the state

needs to continue to function.

As I said earlier, this is a bill that is not an appropriation bill, this is an Article 7 bill in which language can be submitted to the bill as it pertains to those issues that are important to the fiscal nature of this state, as Senator LaValle's amendment.

Therefore, I would appeal the ruling of the chair.

ACTING PRESIDENT SAVINO: Senator Libous, my ruling stands.

Are you making a motion to appeal the ruling of the chair? All those who wish to overturn the ruling of the chair please signify by raising your hand.

Announce the results.

THE SECRETARY: Ayes, 29. Nays, 32.

ACTING PRESIDENT SAVINO: The motion fails.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

I believe there's another amendment at the desk, by Senator Flanagan. I ask that

you waive its reading and please call on Senator Flanagan.

ACTING PRESIDENT SAVINO: There is an amendment at the desk. The reading has been waived and, Senator Flanagan, you may be heard on the amendment.

SENATOR FLANAGAN: Thank you, Madam President.

I'm going to try and get ahead of the curve on this one in some of my comments.

This amendment would allow for flexibility for school districts. This amendment is directed at local property taxpayers, and the substance and the timing of it is important right now. And this is probably more important than many other things we're discussing because of school budgets that have to be put together.

All of you know that school budgets had to be put into State Ed by April 24th. They have a little bit of latitude, so we have a very small window to give them an opportunity to advance something that the Governor had put in his budget, that the Senate Democrats had put in their budget

resolution, as well as the Assembly Democrats.

Slight variations in language, but basically we're allowing school districts to take excess funds in the employee benefit accrued liability reserve fund and apply that to reduce their property tax levy. We're talking about property tax relief, we're talking about rebates, we're talking about tax caps. This goes right to the heart of the issue because it allows school districts to take some of that money and apply it directly to the property tax levy.

I believe this is relevant, Madam President. I believe it's germane to the discussion we're having because we had a bill today where we gave out several billion dollars in school aid. We are debating in the context of the budget -- you can call it an extender, you can call it an emergency appropriation. But at the rate we're going, the way we're going to do the budget is with 52 one-week extenders. So we are arguably doing the budget in some way, shape, form or fashion.

Again, this is directed at school

districts, more importantly, to the local property taxpayer, to help reduce the burden that they are suffering through already.

ACTING PRESIDENT SAVINO: Senator Flanagan, alas, after reviewing your amendment, I'm also going to have to rule it out of order.

The bill in chief amends specific sections of law relating to the Local Government Assistance Corporation. The subject of your nonsponsor amendment falls outside the narrow scope of the bill. Therefore, it is not germane and out of order under Rule 9, Section 3.

Senator Libous.

SENATOR LIBOUS: Madam President, I again rise, and I must say that this time I rise with great frustration, in that the opportunity to vote on these amendments does not come before the floor.

I believe that your ruling is out of order, that the amendment is germane. And quite frankly, I would ask my colleagues on the other side of the aisle who have stood on this floor and talked about openness in

government -- Senator Krueger, Senator Valesky, who's been involved in reform, Senator Aubertine, Senator Johnson, Senator Schneiderman and others who have talked about reform and talked about the opportunity to bring bills to the floor and vote.

Now, these are amendments, and it's pretty clear to see what's going on here. While you let us explain our amendments, you then rule them non-germane.

I don't know how much more germane you can get than the three amendments that were just put on this floor, Madam President. They deal with an extender, they deal with an Article 7. And I think everybody in this chamber is familiar with Article 7.

And to say that they are non-germane and out of order is extremely disappointing. And I would hope that some of the folks that I just offered to -- Senator Breslin, I know you care about openness in government also and would join us in overriding the ruling of the chair, because it is dead wrong.

ACTING PRESIDENT SAVINO: Are you

making a motion to overrule the ruling of the chair, Senator Libous?

SENATOR LIBOUS: I am, Madam President.

ACTING PRESIDENT SAVINO: There's a motion to overturn the ruling of the chair. All those in favor of overturning the ruling of the chair please signify by raising your hand.

Announce the results.

THE SECRETARY: Ayes, 29. Nays, 32.

ACTING PRESIDENT SAVINO: The motion fails.

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT SAVINO: Senator Libous.

SENATOR LIBOUS: I believe there's an amendment at the desk. I would ask that you please waive its reading and call on Senator McDonald, please.

ACTING PRESIDENT SAVINO: Senator Libous, there is an amendment at the desk. The reading has been waived, and Senator McDonald is recognized to speak on the

amendment.

SENATOR McDONALD: Thank you, Madam President.

My amendment is based upon the Governor's bill sent to us Thursday to include a $17 million loan for the New York Racing Association that was originally proposed as part of the $250 million appropriation earmarked for capital projects.

Why is it germane? Why is it not out of order? The racing industry in New York State is very significant. Many people -- small business people, large ones -- they're in the process of booking rooms in the North Country. Not just Saratoga, the entire Adirondack region, the Capital Region.

The racing industry is more than Belmont, Aqueduct, it's also our great track in Saratoga. Which is where I live, which I've been going to all my life.

It's germane because people make money. And right now the reputation of us not acting on this issue, coupled with the VLT failures of naming a franchise, where the money would have already been here if it was

done properly, if it was done on time -- the germaneness, the germaneness, whatever it is, why it's not out of order, the reasons are human. There are people up there. They need this kind of economic activity.

If we rule this out of order right now, the headline tomorrow will say the tracks, tourism in the Adirondacks, Saratoga, Lake George, Lake Placid -- places that we all love, all of us -- is not germane, it's out of order. Do you want to send that signal to hundreds of thousands of people that they're out of order, they're not germane?

I'm sending that signal. I'm agreeing with the Governor. Wasting a day is wasting the ability for our small business community to survive, for the agricultural industry that supports the racing industry to survive. For people who love this state as much as we do who live here, who work here, who raise their families here, who have been patient with this whole VLT fiasco, who have been patient with our ineptitude here not doing budgets.

I won't do that. So if it fails

today, you are saying a region of upstate New York is out of order, is not germane. I know you don't really think that way. Show it. Get beyond politics. We're going to do this.

Recognize that the Chamber of Commerces -- I'll be introducing them tomorrow, they're coming to visit -- they're not here as Republicans or Democrats. They're representing hotels, restaurants, entertainment entities, the men and women who work in those facilities. They don't care about our politics. I don't care about our politics. I just care about the people, and I'm sure you do too.

So I'm raising my hand now to say I vote against it being out of order and non-germane. Is there anybody who agrees with me? Raise your hand now. Right.

I've said what I wanted to say. I thank you for the opportunity. But this racing issue is not going to go away. Seriously. We have to deal with it. We're losing a million dollars a day on the VLTs. If you add up the numbers, that's over a

billion since this has been going on, not counting the $300 million up front.

We can change that. Let's get these people to work up there. Let's get these people planning a summer to make sure New Yorkers stay in New York and people from all over the country that come here come here. They love it. They love us. They love us for having this facility.

So vote with us. It's germane. Those are germane people up there. They're more than germane. You know what they are? They're New Yorkers. They're New Yorkers too.

Thank you.

ACTING PRESIDENT SAVINO: Senator Farley, to speak on the nonsponsor amendment.

SENATOR FARLEY: Thank you, Madam President.

This is an opportunity for this house to show some leadership. What we're talking about in this amendment is basically the Governor's bill that he introduced yesterday which allows the racing industry in this state to continue.

In particular, let's look at

Saratoga. Terrible things are happening. We all know that the Saratoga season this summer is a very, very large part of not only this Capital District area but of the State of New York and nationally. They come from all over the country for this.

What is happening is chilling things that are happening because we're not doing this, and the Governor has put forward this bill to allow the racing industry to move forward.

And I would urge my colleagues to advance this amendment because it really promotes the Governor's bill, which we have to do, which we will do. And it is really not something that is controversial. It's not Republican, it's not Democrat. It's the right thing to do. And I urge you to vote yes on this amendment, and we can go forward and show that this house really cares about a huge industry in this state, the racing industry.

I urge a yes vote.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Little, on the nonsponsor amendment.

SENATOR LITTLE: Thank you, Madam President. If I may, I would like to add to the discussion.

The Saratoga racing season is probably one of the most successful racing seasons in the country. And we are less than 12 weeks away from the beginning of that racing season. Word is out that there may be issues, that it may not begin, that we may not have that season. Which I hope is totally false. However, when people hear that, they tend to change their plans. They may not plan on coming here.

I don't represent Saratoga, but I represent Washington County, Warren County, Essex County, the Adirondack region. And we are totally dependent upon Saratoga visitors during the month of August. The month of August is one of the better months for tourism within my area, and it's totally due to the Saratoga Racetrack attracting people from all over the country.

We have people there who are spending money, who are bringing in sales tax not only for our counties but for the State of

New York. We know we're all in trouble. But we really should help our big revenue-producers to produce the revenue to help us get out of trouble.

We would not need this loan -- and that's exactly what it is, it's a loan for NYRA -- if we had gotten the Aqueduct up and operating by now. But because we haven't, this loan is needed for their operating expenses and to get them through the season.

I would ask all of you to help us with this issue. We have written to the Governor and asked him to put it in the extenders. Hopefully, if this does not pass, he will put it in the extender budget next week. But we need help, and I hope that you will understand and vote for this.

Thank you.

ACTING PRESIDENT SAVINO: Senator McDonald, though it pains me to say this, after having reviewed your amendment I am also going to have to rule it out of order.

The bill in chief amends specific sections of law relating to the Local Government Assistance Corporation. The

subject of your nonsponsor amendment falls outside the narrow scope of the bill. Therefore, it is not germane and out of order under Rule 9, Section 3.

Senator Libous.

SENATOR LIBOUS: Madam President, unfortunately, I rise to again disagree with you.

And I believe that Senator McDonald did a fine job of articulating why this bill was germane, and I challenge the ruling of the chair.

ACTING PRESIDENT SAVINO: There's a motion to challenge the ruling of the chair. All those in favor of overturning the ruling of the chair please indicate by raising your hand.

Announce the results.

THE SECRETARY: Ayes, 29. Nays, 32.

ACTING PRESIDENT SAVINO: The motion fails.

We are now on the bill in chief. Are there any Senators wishing to speak on the bill?

Seeing none, the debate is closed. The Secretary will ring the bells. I ask all the members to please return to the chamber.

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.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 425 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, 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, 29.

ACTING PRESIDENT SAVINO: The bill is passed.

Senator Klein, that completes the reading of the controversial supplemental

calendar.

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

ACTING PRESIDENT SAVINO: To be filed in the Journal.

Senator Klein.

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 27th, 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 27th, at 3:00 p.m.

(Whereupon, at 7:28 p.m., the Senate adjourned.)