

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 April 26, 2010

11 3:40 p.m.

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13
14 REGULAR SESSION

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17
18 SENATOR DIANE SAVINO, Acting President

19 ANGELO J. APONTE, Secretary

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

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

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

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

8 ACTING PRESIDENT SAVINO: In the
9 absence of clergy, may we all bow our heads in
10 a moment of silence.

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

13 ACTING PRESIDENT SAVINO: The
14 reading of the Journal.

15 The Secretary will read.

16 THE SECRETARY: In Senate,
17 Sunday, April 25, the Senate met pursuant to
18 adjournment. The Journal of Saturday,
19 April 24, was read and approved. On motion,
20 Senate adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Klein.

8 SENATOR KLEIN: Madam President,
9 on behalf of Senator Oppenheimer, on page
10 number 17 I offer the following amendments to
11 Calendar Number 278, Senate Print Number 6868,
12 and I ask that said bill retain its place on
13 Third Reading Calendar.

14 ACTING PRESIDENT SAVINO: So
15 ordered.

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

22 ACTING PRESIDENT SAVINO: So
23 ordered.

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

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

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

5 THE SECRETARY: Calendar Number
6 214, by Member of the Assembly Latimer,
7 Assembly Print Number 6484A, an act to amend
8 the Public Officers Law.

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

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

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT SAVINO: Senator
19 Klein.

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

25 ACTING PRESIDENT SAVINO: So

1 ordered.

2 SENATOR KLEIN: I now offer the
3 following amendments.

4 ACTING PRESIDENT SAVINO: The
5 amendments are received.

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

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

12 THE SECRETARY: Calendar Number
13 401, by Senator Thompson, Senate Print 6047A,
14 an act to amend the Environmental Conservation
15 Law.

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

19 ACTING PRESIDENT SAVINO: The
20 Secretary will call the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 56.

23 ACTING PRESIDENT SAVINO: Senator
24 Klein.

25 SENATOR KLEIN: Madam President,

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

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

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

8 ACTING PRESIDENT SAVINO: Senator
9 Klein, one second.

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

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

14 ACTING PRESIDENT SAVINO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT SAVINO: The
19 bill is passed.

20 Senator Klein.

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

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

1 THE SECRETARY: Calendar Number
2 297, by Senator L. Krueger, Senate Print
3 3593B, an act to amend the Environmental
4 Conservation Law.

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

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

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 56.

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

15 ACTING PRESIDENT SAVINO:
16 Amendments received.

17 Senator Klein.

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

22 ACTING PRESIDENT SAVINO: The
23 Secretary will read.

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

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

4 ACTING PRESIDENT SAVINO:
5 Substitution ordered.

6 Senator Klein.

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

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

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

19 ACTING PRESIDENT SAVINO: The
20 Secretary will read.

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

1 College Soccer Championships.

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

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

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

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

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

7 "WHEREAS, Compiling an outstanding
8 24-1-0 record for the year, the College of
9 Saint Rose Women's Soccer Team finished the
10 regular season with a perfect 18 and 0 record
11 and a Northeast Conference record of 15 and 0.
12 Its 24 consecutive wins set a College of Saint
13 Rose school season record, and 18 of these
14 wins were shutouts; and

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

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

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

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

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

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

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

11 "WHEREAS, Head Coach Laurie Darling
12 Gutheil was named the NSCAA Division II
13 National Coach of the Year. In her eight
14 years at the helm of the College of Saint Rose
15 Women's Soccer Team, she has compiled a
16 135-27-14 record to go along with the team's
17 Northeast-10 Conference Championships and NCAA
18 Tournament and Final Four appearances; and

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

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

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

9 "WHEREAS, Sports competition
10 instills the values of teamwork, pride and
11 accomplishment, and Head Coach Laurie Darling
12 Gutheil and her assistant coaches, and the
13 2009 College of Saint Rose Women's Soccer
14 Team's outstanding athletes have clearly made
15 a contribution to the spirit of excellence
16 which is a tradition of their college; now,
17 therefore, be it

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

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

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

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

3 ACTING PRESIDENT SAVINO: Senator
4 Breslin.

5 SENATOR BRESLIN: Thank you very
6 much, Madam President.

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

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

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

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

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

14 Congratulations.

15 ACTING PRESIDENT SAVINO: Senator
16 Farley.

17 SENATOR FARLEY: Thank you, Madam
18 President.

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

1 achievement.

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

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

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

23 Thank you, Madam President.

24 ACTING PRESIDENT SAVINO: Senator
25 Little.

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

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

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

18 Congratulations.

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

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

25 (Response of "Aye.")

1 ACTING PRESIDENT SAVINO:

2 Opposed, nay.

3 (No response.)

4 ACTING PRESIDENT SAVINO: The
5 resolution is adopted.

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

10 Congratulations.

11 (Applause.)

12 ACTING PRESIDENT SAVINO: Senator
13 Klein.

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

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

24 SENATOR KLEIN: Yes, it has,
25 Madam President.

1 ACTING PRESIDENT SAVINO: The
2 Secretary will read.

3 THE SECRETARY: By Senator
4 Serrano, legislative resolution commemorating
5 the 225th anniversary of the birth of John
6 James Audubon, ornithologist, naturalist, and
7 painter, on April 26, 2010.

8 ACTING PRESIDENT SAVINO: Senator
9 Serrano.

10 SENATOR SERRANO: Thank you,
11 Madam President.

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

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

25 And the Audubon Society's mission

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

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

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

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

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

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

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

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

11 Thank you, Madam President.

12 ACTING PRESIDENT SAVINO: Senator
13 Marcellino.

14 SENATOR MARCELLINO: Thank you,
15 Madam President.

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

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

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

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

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

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

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

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

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

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

1 preservation and protection of our environment
2 and our natural resources.

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

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

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

12 (Response of "Aye.")

13 ACTING PRESIDENT SAVINO:
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT SAVINO: The
17 resolution is adopted.

18 Senator Serrano has indicated that
19 the resolution is open for cosponsorship by
20 the entire house. Any Senator not wishing to
21 cosponsor please notify the desk.

22 Senator Klein.

23 SENATOR KLEIN: Madam President,
24 I believe there's a resolution at the desk by
25 Senator Sampson. I ask that the resolution be

1 read in its entirety and move for its
2 immediate adoption.

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

7 SENATOR KLEIN: Yes, it has,
8 Madam President.

9 ACTING PRESIDENT SAVINO: The
10 Secretary will read.

11 THE SECRETARY: By Senator
12 Sampson, legislative resolution commending the
13 Jewish Community Relations Council of New York
14 upon the occasion of its Gala Dinner on
15 April 27, 2010.

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

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

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

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

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

25 "WHEREAS, The Jewish Community

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

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

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

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

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

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

25 "WHEREAS, As a representative

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

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

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

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

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

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

13 ACTING PRESIDENT SAVINO: Senator
14 Craig Johnson.

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

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

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

1 bestowed upon them by the JCRC.

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

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

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

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

13 Thank you very much, Madam
14 President.

15 ACTING PRESIDENT SAVINO: Are
16 there any other Senators wishing to be heard
17 on this resolution? Seeing none, the question
18 is on the resolution. All those in favor
19 signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT SAVINO:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT SAVINO: The
25 resolution is adopted.

1 Senator Sampson has indicated this
2 resolution is open for cosponsorship by all
3 the members of the house. Any Senator not
4 wishing to be listed as a cosponsor please
5 notify the desk.

6 Senator Klein.

7 SENATOR KLEIN: Madam President,
8 I believe there's a resolution at the desk by
9 Senator Parker. I move that the resolution be
10 read in its entirety and move for its
11 immediate adoption.

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

16 SENATOR KLEIN: Yes, it has,
17 Madam President.

18 ACTING PRESIDENT SAVINO: The
19 Secretary will read.

20 THE SECRETARY: By Senator
21 Parker, legislative resolution commemorating
22 the 17th anniversary of the death of Cesar E.
23 Chavez, United Farm Workers crusader.

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

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

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

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

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

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

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

3 "WHEREAS, Between 1952 and 1962,
4 Cesar Chavez worked for the Community Services
5 Organization. When they refused to organize
6 farm workers in 1962, he left and cofounded
7 the United Farmers Union with Dolores Huerta.
8 The bylaws were approved by the AFL-CIO in
9 1966; and

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

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

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

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

5 "WHEREAS, The family of the State
6 of New York commemorates and honors Cesar
7 Chavez as a champion of democracy and human
8 rights. His legacy remains in the hearts and
9 minds of many, but not nearly as much as in
10 the workers and members of the United Farm
11 Workers of America, which he founded and has
12 since his death on April 23, 1993, grown from
13 20,000 members to approximately 27,000
14 members; and

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

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

25 "RESOLVED, That copies of this

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

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

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

10 (Response of "Aye.")

11 ACTING PRESIDENT SAVINO:
12 Opposed, nay.

13 (No response.)

14 ACTING PRESIDENT SAVINO: The
15 resolution is adopted.

16 Senator Parker has indicated that
17 he would like to open the resolution up for
18 cosponsorship to the entire house. Any
19 Senator wishing not to be on the resolution
20 please notify the desk.

21 Senator Klein.

22 SENATOR KLEIN: Madam President,
23 there will be an immediate meeting of the
24 Finance Committee, followed by an immediate
25 meeting of the Rules Committee, in the

1 Majority Conference Room, Room 332.

2 Pending the return of the Rules
3 Committee, may we please stand at ease.

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

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

10 (Whereupon, the Senate stood at
11 ease at 4:15 p.m.)

12 (Whereupon, the Senate reconvened
13 at 5:21 p.m.)

14 ACTING PRESIDENT SAVINO: Senator
15 Klein.

16 SENATOR KLEIN: Madam President,
17 I believe there's a report of the Rules
18 Committee at the desk.

19 I move that we adopt the report at
20 this time.

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

24 The Secretary will read.

25 THE SECRETARY: Senator Smith,

1 from the Committee on Rules, reports the
2 following bills.

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

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

11 Both bills ordered direct to third
12 reading.

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

16 (Response of "Aye.")

17 ACTING PRESIDENT SAVINO:
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT SAVINO: The
21 Rules Committee report is adopted.

22 Senator Klein.

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

1 ACTING PRESIDENT SAVINO: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number
4 180, by Senator Stewart-Cousins, Senate Print
5 6720, an act to amend the Local Finance Law.

6 SENATOR LIBOUS: Lay it aside.

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

9 The bill is laid aside.

10 THE SECRETARY: Calendar Number
11 190, by Member of the Assembly Brodsky,
12 Assembly Print Number 4467A, an act to amend
13 the Election Law and others.

14 ACTING PRESIDENT SAVINO: Read
15 the last section.

16 THE SECRETARY: Section 2. This
17 act --

18 SENATOR LIBOUS: Lay it aside.

19 ACTING PRESIDENT SAVINO: The
20 bill is laid aside.

21 THE SECRETARY: Calendar Number
22 285, by Senator Stachowski, Senate Print 6833,
23 an act to amend the Local Finance Law.

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

1 Read the last section.

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

4 SENATOR LIBOUS: Lay it aside.

5 ACTING PRESIDENT SAVINO: The
6 bill is laid aside.

7 THE SECRETARY: Calendar Number
8 286, by Senator Thompson, Senate Print 6862,
9 an act to amend the Local Finance Law.

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

12 Read the last section.

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

15 ACTING PRESIDENT SAVINO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes --

19 SENATOR LIBOUS: Lay it aside.

20 ACTING PRESIDENT SAVINO: The
21 bill is laid aside.

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

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

1 the sponsor because it's being amended.

2 SENATOR LIBOUS: Thank you.

3 ACTING PRESIDENT SAVINO: The
4 Secretary will continue to read.

5 THE SECRETARY: Calendar Number
6 301, by Member of the Assembly Scarborough,
7 Assembly Print Number 8418, an act to amend
8 the Family Court Act and the Social Services
9 Law.

10 ACTING PRESIDENT SAVINO: Read
11 the last section.

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

14 ACTING PRESIDENT SAVINO: Call
15 the roll.

16 (The Secretary called the roll.)

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

23 Ayes, 50. Nays, 11.

24 ACTING PRESIDENT SAVINO: The
25 bill is passed.

1 The Secretary will continue to
2 read.

3 THE SECRETARY: Calendar Number
4 360, by Senator Serrano, Senate Print 6673, an
5 act to amend the Economic Development Law.

6 ACTING PRESIDENT SAVINO: Read
7 the last section.

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

10 ACTING PRESIDENT SAVINO: Call
11 the roll.

12 (The Secretary called the roll.)

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

15 SENATOR BONACIC: Thank you,
16 Madam President.

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

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

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

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

9 SENATOR YOUNG: Thank you, Madam
10 President.

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

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

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

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

5 SENATOR NOZZOLIO: Thank you,
6 Madam President.

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

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

24 Thank you, Madam President.

25 ACTING PRESIDENT SAVINO: Senator

1 Saland, to explain his vote.

2 SENATOR SALAND: Thank you, Madam
3 President.

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

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

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

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

8 Thank you.

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

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

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

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

25 ACTING PRESIDENT SAVINO: Are

1 there any other Senators wishing to explain
2 their vote?

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar Number 360, those recorded in the
6 negative are Senators Alesi, Bonacic,
7 DeFrancisco, Farley, Flanagan, Fuschillo,
8 Golden, Griffio, Hannon, O. Johnson, Lanza,
9 Larkin, LaValle, Leibell, Libous, Little,
10 Marcellino, Maziarz, McDonald, Nozzolio,
11 Padavan, Ranzenhofer, Robach, Saland, Seward,
12 Skelos, Volker, Winner and Young.

13 Ayes, 32. Nays, 29.

14 ACTING PRESIDENT SAVINO: The
15 bill is passed.

16 The Secretary will continue to
17 read.

18 THE SECRETARY: Calendar Number
19 378, by Senator Klein, Senate Print 5896C, an
20 act to amend the Real Property Law.

21 ACTING PRESIDENT SAVINO: Read
22 the last section.

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

25 ACTING PRESIDENT SAVINO: Call

1 the roll.

2 (The Secretary called the roll.)

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

5 SENATOR KLEIN: Thank you, Madam
6 President.

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

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

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

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

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

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

21 ACTING PRESIDENT SAVINO: Senator
22 Farley.

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

25 The major subprime bill that was

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

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

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

14 And I recommend a yes vote.

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

17 SENATOR LIZ KRUEGER: Thank you,
18 Madam President.

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

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

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

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

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

1 business.

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

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

6 Announce the results.

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

10 Ayes, 59. Nays, 2.

11 ACTING PRESIDENT SAVINO: The
12 bill is passed.

13 The Secretary will continue to
14 read.

15 THE SECRETARY: Calendar Number
16 381, by Senator Perkins, Senate Print 6066A,
17 an act to amend the Alcoholic Beverage Control
18 Law.

19 SENATOR LIBOUS: Lay it aside.

20 ACTING PRESIDENT SAVINO: The
21 bill is laid aside.

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

24 SENATOR KLEIN: Madam President,
25 at this time can we please go to a reading of

1 the controversial calendar.

2 ACTING PRESIDENT SAVINO: The
3 Secretary will ring the bell.

4 Members are all asked to come to
5 the chamber for the reading of the
6 controversial calendar.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 180, by Senator Stewart-Cousins, Senate Print
10 6720, an act to amend the Local Finance Law.

11 SENATOR LIBOUS: Explanation.

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

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

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

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

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

1 Senator Stewart-Cousins can continue
2 explaining her bill.

3 SENATOR STEWART-COUSINS: Thank
4 you, Madam President.

5 This city's bonding authority will
6 expire on June 30th of this year. This
7 particular bill is no different from the bill
8 that we passed in 1998, 2000, 2002, 2003,
9 2004, 2005, 2006 and 2007, unanimously.

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

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

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

1 on the bill?

2 Hearing none, the debate is closed.

3 The Secretary will please ring the bells.

4 There is a home-rule message at the
5 desk.

6 Read the last section.

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

9 ACTING PRESIDENT SAVINO: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT SAVINO:

13 Announce the results.

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

17 Absent from voting: Senator
18 Golden.

19 Ayes, 58. Nays, 2.

20 ACTING PRESIDENT SAVINO: The
21 bill is passed.

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

25 The Secretary will continue to

1 read.

2 THE SECRETARY: Calendar Number
3 190, by Member of the Assembly Brodsky,
4 Assembly Print Number 4467A, an act to amend
5 the Election Law, the Labor Law, and the
6 Education Law.

7 SENATOR LIBOUS: Explanation.

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

10 SENATOR DILAN: Yes, Madam
11 President.

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

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

1 ACTING PRESIDENT SAVINO: Senator
2 Padavan.

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

7 SENATOR DILAN: Yes, Madam
8 President.

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

19 SENATOR DILAN: Madam President,
20 that would be correct.

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

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

6 SENATOR PADAVAN: Yeah. So in
7 effect --

8 ACTING PRESIDENT SAVINO: Senator
9 Padavan, are you --

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

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

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

17 ACTING PRESIDENT SAVINO: Are you
18 asking Senator --

19 SENATOR PADAVAN: Not yet.

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

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

24 ACTING PRESIDENT SAVINO: Senator
25 Padavan --

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

3 ACTING PRESIDENT SAVINO: Senator
4 Padavan --

5 SENATOR PADAVAN: Would you yield
6 to another question?

7 ACTING PRESIDENT SAVINO: Thank
8 you.

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

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

14 SENATOR PADAVAN: Nevertheless, I
15 asked you another question.

16 ACTING PRESIDENT SAVINO: -- an
17 explanation was requested.

18 SENATOR PADAVAN: Do you yield?

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

22 SENATOR PADAVAN: Will Senator
23 Dilan yield?

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

1 SENATOR DILAN: Yes, Madam
2 President.

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

5 SENATOR PADAVAN: Senator, thank
6 you for your patience.

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

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

16 And I don't have all my notes here,
17 but I believe that 16 states throughout the
18 United States currently have
19 16-and-17-year-olds also working as
20 inspectors. So the State of New York would
21 not the first to do that.

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

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

5 SENATOR PADAVAN: Madam
6 President, would the Senator yield?

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

9 SENATOR DILAN: Yes, I will.

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

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

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

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

22 SENATOR DILAN: That is correct.

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

25 SENATOR DILAN: I said yes.

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

3 ACTING PRESIDENT SAVINO: Senator
4 Dilan?

5 SENATOR DILAN: Yes, Madam
6 President.

7 ACTING PRESIDENT SAVINO: Senator
8 Dilan continues to yield.

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

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

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

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

6 And, you know, currently we allow
7 16-year-old students to get behind the wheel
8 of a car, and yet we prohibit them from
9 working as poll inspectors.

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

15 SENATOR PADAVAN: On the bill, if
16 I may.

17 ACTING PRESIDENT SAVINO: Senator
18 Padavan, on the bill.

19 SENATOR PADAVAN: Senator Dilan,
20 you know, I fully respect your motivation and
21 the points you made with regard to alleviating
22 problems in certain areas where it's difficult
23 to get enough inspectors. It's a very, very
24 sometimes difficult environment. It begins at
25 6:00 in the morning, if not earlier, goes all

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

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

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

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

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

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

8 ACTING PRESIDENT SAVINO: Are
9 there any other Senators who wish to be heard?
10 Senator Montgomery.

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

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

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

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

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

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

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

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

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

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

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

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

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

4 And frankly, research shows that
5 getting kids involved with the voting process
6 and the election process is the most effective
7 means of ensuring that they will grow up to be
8 civic participants, that they will grow up to
9 vote. In fact, the research shows the
10 number-one reason people vote when they turn
11 18 is the memory of going with their parents
12 to vote as young children, even parents who
13 allow the children to come into the polling
14 booths with them and, at least in my city,
15 pull the levers.

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

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

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

4 So I vote yes, Madam President.
5 Thank you.

6 ACTING PRESIDENT SAVINO: Senator
7 Libous, on the bill.

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

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

13 SENATOR DILAN: Yes, Madam
14 President.

15 ACTING PRESIDENT SAVINO: Senator
16 Dilan yields.

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

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

1 four inspectors to run an election district.

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

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

6 SENATOR DILAN: Yes, Madam
7 President.

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

13 SENATOR DILAN: That's correct.

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

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

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

5 (Laughter.)

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

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

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

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

15 SENATOR DILAN: Yes, I do, Madam
16 President.

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

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

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

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

18 ACTING PRESIDENT SAVINO: Senator
19 Libous, on the bill.

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

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

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

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

21 ACTING PRESIDENT SAVINO: Senator
22 Dilan, on the bill.

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

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

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

21 So I vote yes.

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

24 SENATOR HANNON: To speak after
25 Senator Dilan.

1 ACTING PRESIDENT SAVINO: Senator
2 Dilan, are you finished?

3 SENATOR DILAN: Yes.

4 ACTING PRESIDENT SAVINO: Thank
5 you.

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

8 Senator Oppenheimer.

9 SENATOR OPPENHEIMER: Just very
10 briefly.

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

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

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

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

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

14 ACTING PRESIDENT SAVINO: Senator
15 Hannon, on the bill.

16 SENATOR HANNON: Yes, Madam
17 President.

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

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

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

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

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

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

21 Thank you.

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

25 Hearing none, the debate is closed.

1 The Secretary will please ring the bells and
2 ask all the members to return to the chamber.

3 Read the last section.

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

6 ACTING PRESIDENT SAVINO: Call
7 the roll.

8 (The Secretary called the roll.)

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

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

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

1 Thank you.

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

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

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

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

25 So it just doesn't make sense

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

3 ACTING PRESIDENT SAVINO:
4 Announce the results.

5 THE SECRETARY: Those recorded in
6 the negative on Calendar Number 190 are
7 Senators Alesi, Bonacic, DeFrancisco, Farley,
8 Flanagan, Fuschillo, Golden, Griffio, Hannon,
9 O. Johnson, Lanza, Larkin, LaValle, Leibell,
10 Libous, Little, Marcellino, Maziarz, McDonald,
11 Nozzolio, Padavan, Ranzenhofer, Robach,
12 Saland, Seward, Skelos, Volker, Winner and
13 Young.

14 Ayes, 32. Nays, 29.

15 ACTING PRESIDENT SAVINO: The
16 bill is passed.

17 The Secretary will continue to
18 read.

19 THE SECRETARY: Calendar Number
20 285, by Senator Stachowski, Senate Print 6833,
21 an act to amend the Local Finance Law.

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

24 Read the last section.

25 SENATOR LIBOUS: Explanation.

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

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

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

15 SENATOR LIBOUS: Satisfactory.

16 SENATOR STACHOWSKI: Thank you.

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

20 Seeing none, the debate is closed.

21 The Secretary will please ring the
22 bells.

23 Senator DeFrancisco.

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

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

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

16 Thank you.

17 ACTING PRESIDENT SAVINO: Read
18 the last section.

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

21 ACTING PRESIDENT SAVINO: Call
22 the roll.

23 (The Secretary called the roll.)

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

1 ACTING PRESIDENT SAVINO: The
2 bill is passed.

3 The Secretary will continue to
4 read.

5 THE SECRETARY: Calendar Number
6 286, by Senator Thompson, Senate Print 6862,
7 an act to amend the Local Finance Law.

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

10 SENATOR LIBOUS: Explanation.

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

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

16 ACTING PRESIDENT SAVINO: Thank
17 you, Senator Thompson.

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

21 The bill also allows Buffalo to use
22 an underwriter to negotiate the sale of bonds
23 because of their low bond rating.

24 Municipalities with higher bond ratings can go
25 directly into the market and competitively bid

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

4 SENATOR LIBOUS: Satisfactory.

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

8 Hearing none, the debate is closed.

9 The Secretary will ring the bells.

10 Read the last section.

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

13 ACTING PRESIDENT SAVINO: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT SAVINO:
17 Announce the results.

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

20 ACTING PRESIDENT SAVINO: The
21 bill is passed.

22 The Secretary will continue to
23 read.

24 THE SECRETARY: Calendar Number
25 381, by Senator Perkins, Senate Print 6066A,

1 an --

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

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

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

8 Senator Klein.

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

12 ACTING PRESIDENT SAVINO: The
13 Secretary will read.

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

20 ACTING PRESIDENT SAVINO:
21 Substitution ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 424, by the Assembly Committee on Rules,
25 Assembly Print Number 10847, an act making

1 appropriations for the support of government.

2 ACTING PRESIDENT SAVINO: Senator
3 Klein.

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

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

10 SENATOR KLEIN: Madam President,
11 I move to accept the message at this time.

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

16 (Response of "Aye.")

17 ACTING PRESIDENT SAVINO:
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT SAVINO: The
21 message is accepted.

22 Read the last section.

23 SENATOR LIBOUS: Lay it aside.

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

1 The Secretary will continue to
2 read.

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

9 ACTING PRESIDENT SAVINO:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 425, by the Assembly Committee on Rules,
13 Assembly Print Number 10848, an act to amend
14 Part RR of Chapter 57 of the Laws of 2008.

15 ACTING PRESIDENT SAVINO: Senator
16 Klein.

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

19 ACTING PRESIDENT SAVINO: Senator
20 Klein, there is a message of necessity at the
21 desk.

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

24 ACTING PRESIDENT SAVINO: The
25 question is on the acceptance of the message

1 of necessity. All those in favor signify by
2 saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT SAVINO:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT SAVINO: The
8 message is accepted.

9 Read the last section.

10 SENATOR LIBOUS: Lay it aside.

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

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

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

20 ACTING PRESIDENT SAVINO: The
21 Secretary will ring the bell.

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

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 424, substituted earlier by the Assembly
4 Committee on Rules, Assembly Print Number
5 10847, an act making appropriations for the
6 support of government.

7 SENATOR DeFRANCISCO:
8 Explanation.

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

11 SENATOR CARL KRUGER: Thank you,
12 Madam President.

13 This bill is the fourth extender
14 for a period to end on May 2nd of 2010. It
15 makes an All Funds appropriation of
16 \$5.6 billion and it makes a General Fund
17 appropriation of \$3.6 billion.

18 ACTING PRESIDENT SAVINO: Senator
19 DeFrancisco.

20 SENATOR DeFRANCISCO: Would
21 Senator Kruger yield to a question?

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

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

1 ACTING PRESIDENT SAVINO: Senator
2 Kruger yields.

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

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

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

17 SENATOR CARL KRUGER: Ongoing.

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

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

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

25 ACTING PRESIDENT SAVINO: Senator

1 Kruger yields.

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

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

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

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

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

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

25 ACTING PRESIDENT SAVINO: Senator

1 Kruger yields.

2 SENATOR DeFRANCISCO: My only
3 source of information is newspaper articles
4 and rumors. And I would ask Senator Kruger,
5 there was a report in the Ithaca Journal
6 between last week and this week saying that
7 Assemblyman Sheldon Silver said that lawmakers
8 have agreed about \$6 billion of the
9 \$9.2 billion needed to reach a budget deal.

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

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

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

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

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

23 ACTING PRESIDENT SAVINO: Senator
24 Kruger yields.

25 SENATOR DeFRANCISCO: I would

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

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

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

22 SENATOR DeFRANCISCO: Would
23 Senator Kruger yield to another question.

24 ACTING PRESIDENT SAVINO: Senator
25 Kruger?

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

3 ACTING PRESIDENT SAVINO: Senator
4 Kruger continues to yield.

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

11 SENATOR CARL KRUGER: Through
12 you, Madam President. As I have said and I
13 will continue to say, that the negotiations
14 are ongoing and they're critical. And the
15 \$6 billion is not a hard \$6 billion number.
16 And it would jeopardize the negotiation if we
17 were to go into specific detail.

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

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

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

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

1 SENATOR DeFRANCISCO: Senator
2 Kruger, could you give me one item of the
3 \$6 billion that has been agreed to, a specific
4 item?

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

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

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

22 SENATOR DeFRANCISCO: Would
23 Senator Kruger yield to another question?

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

1 take the Senator's additional question.

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

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

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

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

16 ACTING PRESIDENT SAVINO: Senator
17 Kruger?

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

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

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

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

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

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

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

15 Thank you, Madam President.

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

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

20 SENATOR CARL KRUGER: No.

21 ACTING PRESIDENT SAVINO: Senator
22 Kruger does not yield.

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: On the
25 bill.

1 ACTING PRESIDENT SAVINO: Senator
2 DeFrancisco, on the bill.

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

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

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

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

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

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

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

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

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

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

25 But the point that I want to make,

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

2 SENATOR DeFRANCISCO: Would

3 Senator Kruger yield to a question?

4 SENATOR CARL KRUGER: I have the
5 floor, Senator.

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

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

10 ACTING PRESIDENT SAVINO:

11 Senator --

12 SENATOR DeFRANCISCO: Excuse me.
13 Excuse me --

14 ACTING PRESIDENT SAVINO: Senator
15 DeFrancisco has the floor.

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

20 You're out of order.

21 (Laughter.)

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

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

1 the floor. I make the rulings, though.

2 SENATOR DeFRANCISCO: I have the
3 floor?

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

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

11 SENATOR CARL KRUGER: Yes, I am.

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

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

18 ACTING PRESIDENT SAVINO: It
19 certainly is.

20 SENATOR CARL KRUGER: Thank you
21 so much, Senator.

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

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

4 SENATOR DeFRANCISCO: Of course I
5 realize that.

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

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

10 SENATOR DeFRANCISCO: Of course.

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

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

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

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

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

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

14 ACTING PRESIDENT SAVINO: Do you
15 continue to yield?

16 SENATOR DeFRANCISCO: I would be
17 happy to.

18 ACTING PRESIDENT SAVINO: Senator
19 DeFrancisco continues to yield.

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

1 extender and close down government be an
2 irresponsible act?

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

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

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

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

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

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

6 ACTING PRESIDENT SAVINO: Senator
7 DeFrancisco?

8 SENATOR DeFRANCISCO: Yes.

9 ACTING PRESIDENT SAVINO: He
10 continues to yield.

11 SENATOR CARL KRUGER: Thank you,
12 Madam President.

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

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

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

1 employees were suspended, including
2 four-fifths of the State Police, highway rest
3 stops were barricaded, drawbridges were left
4 open and traffic cameras turned off. Campers
5 were ordered to leave state parks, freeway
6 rest stops were barricaded, drawbridges were
7 left open. Traffic monitoring cameras went
8 dark at midnight. Branch offices in the
9 Department of Motor Vehicles posted signs over
10 the weekend saying that they were closed.
11 State lottery operations, liquor sales and
12 road construction was halted immediately.
13 Unemployment offices were closed, and no
14 unemployment checks were issued to those
15 35,000 employees. And the list goes on and
16 on.

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

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

23 SENATOR CARL KRUGER: Thank you,
24 Madam President.

25 ACTING PRESIDENT SAVINO: Yes.

1 Senator DeFrancisco, on the bill.

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

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

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

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

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

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

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

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

25 So, ladies and gentlemen, you know,

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

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

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

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

4 Thank you, Madam President.

5 ACTING PRESIDENT SAVINO: Thank
6 you.

7 Senator Flanagan, on the bill.

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

11 ACTING PRESIDENT SAVINO: Senator
12 Kruger, do you yield?

13 SENATOR CARL KRUGER: Yes, I do.

14 ACTING PRESIDENT SAVINO: Senator
15 Kruger yields.

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

20 The Senate Democrats' resolution
21 basically accepted \$1.4 billion in cuts,
22 thereabouts, from the Governor, and the
23 Assembly came in with a proposal restoring
24 \$600 million. Can you tell me the status of
25 those negotiations specifically as it relates

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

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

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

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

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

1 ACTING PRESIDENT SAVINO: Senator
2 Flanagan, on the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 ACTING PRESIDENT SAVINO: Senator
12 Marcellino, on the bill.

13 SENATOR MARCELLINO: Thank you,
14 Madam President.

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

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

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

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

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

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

25 I don't even know who the three

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

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

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

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

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

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

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

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

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

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

13 I'll be voting no, Madam President.

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

17 Senator Diaz, on the bill.

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

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

23 SENATOR DeFRANCISCO: I'll answer
24 it for him.

25 (Laughter.)

1 ACTING PRESIDENT SAVINO: Thank
2 you, Senator Diaz.

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

5 Hearing none, debate is closed.

6 The Secretary will please ring the
7 bells.

8 Will the members please return to
9 the chamber.

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

12 SENATOR DIAZ: Yes, Madam
13 President.

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

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

19 SENATOR DeFRANCISCO: Point of
20 order.

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

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

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

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

5 ACTING PRESIDENT SAVINO: It's my
6 decision.

7 SENATOR LIBOUS: Madam President.
8 Madam President --

9 ACTING PRESIDENT SAVINO: Senator
10 Diaz has the floor.

11 SENATOR LIBOUS: Madam President,
12 point of order.

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

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

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

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

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

1 Libous, we are back on --

2 SENATOR LIBOUS: Thank you, Madam
3 President.

4 ACTING PRESIDENT SAVINO: Read
5 the last section.

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

8 ACTING PRESIDENT SAVINO: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT SAVINO:
12 Announce the results.

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

20 Ayes, 44. Nays, 17.

21 ACTING PRESIDENT SAVINO: The
22 bill is passed.

23 The Secretary will continue to
24 read.

25 THE SECRETARY: Calendar Number

1 425, substituted earlier by the Assembly
2 Committee on Rules, Assembly Print Number
3 10848, an act to amend Part RR of Chapter 57
4 of the Laws of 2008.

5 SENATOR LIBOUS: Madam President.

6 ACTING PRESIDENT SAVINO: Senator
7 Libous.

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

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

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

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

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

6 Not only roads, bridges, capital
7 construction, SUNY capital. I have a project
8 at Brockport College -- not only in proximity
9 to my district, also my alma mater -- an
10 academic field house and event center,
11 \$29 million, shovel in the ground, now going
12 to suspend payment if we don't do something
13 different.

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

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

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

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

9 Thank you, Madam President.

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

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

20 SENATOR LIBOUS: Madam President.

21 ACTING PRESIDENT SAVINO: Senator
22 Libous.

23 SENATOR LIBOUS: Point of order.

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

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

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

8 There's a motion to overturn the
9 ruling of the chair. All those in favor of
10 overruling the ruling of the chair please
11 indicate by raising your hand.

12 Announce the results.

13 THE SECRETARY: Ayes, 29. Nays,
14 32.

15 ACTING PRESIDENT SAVINO: The
16 motion fails.

17 SENATOR LIBOUS: Madam President.

18 ACTING PRESIDENT SAVINO: Senator
19 Libous.

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

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

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

3 SENATOR LaVALLE: Thank you,
4 Madam President.

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

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

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

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

1 everyone an opportunity to follow what
2 Massachusetts and New Jersey has, by having a
3 tax cap of not 4 percent but 2.5 percent,
4 excluding capital construction projects, or
5 120 percent of the CPI, whichever is less.

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

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

19 We also allow school districts on
20 their own to change the limitations by a vote
21 of the people to make it less than the
22 2.5 percent or the 120 percent of the CPI.

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

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

7 Thank you, Madam President.

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

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

18 Senator Libous.

19 SENATOR LIBOUS: Thank you, Madam
20 President.

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

1 needs to continue to function.

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

8 Therefore, I would appeal the
9 ruling of the chair.

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

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

16 Announce the results.

17 THE SECRETARY: Ayes, 29. Nays,
18 32.

19 ACTING PRESIDENT SAVINO: The
20 motion fails.

21 Senator Libous.

22 SENATOR LIBOUS: Thank you, Madam
23 President.

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

1 you waive its reading and please call on
2 Senator Flanagan.

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

7 SENATOR FLANAGAN: Thank you,
8 Madam President.

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

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

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

1 resolution, as well as the Assembly Democrats.

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

13 I believe this is relevant, Madam
14 President. I believe it's germane to the
15 discussion we're having because we had a bill
16 today where we gave out several billion
17 dollars in school aid. We are debating in the
18 context of the budget -- you can call it an
19 extender, you can call it an emergency
20 appropriation. But at the rate we're going,
21 the way we're going to do the budget is with
22 52 one-week extenders. So we are arguably
23 doing the budget in some way, shape, form or
24 fashion.

25 Again, this is directed at school

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

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

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

15 Senator Libous.

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

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

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

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

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

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

25 ACTING PRESIDENT SAVINO: Are you

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

3 SENATOR LIBOUS: I am, Madam
4 President.

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

10 Announce the results.

11 THE SECRETARY: Ayes, 29. Nays,
12 32.

13 ACTING PRESIDENT SAVINO: The
14 motion fails.

15 SENATOR LIBOUS: Madam President.

16 ACTING PRESIDENT SAVINO: Senator
17 Libous.

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

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

1 amendment.

2 SENATOR McDONALD: Thank you,
3 Madam President.

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

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

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

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

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

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

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

25 I won't do that. So if it fails

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

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

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

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

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

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

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

14 Thank you.

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

17 SENATOR FARLEY: Thank you, Madam
18 President.

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

25 In particular, let's look at

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

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

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

22 I urge a yes vote.

23 Thank you, Madam President.

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

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

4 The Saratoga racing season is
5 probably one of the most successful racing
6 seasons in the country. And we are less than
7 12 weeks away from the beginning of that
8 racing season. Word is out that there may be
9 issues, that it may not begin, that we may not
10 have that season. Which I hope is totally
11 false. However, when people hear that, they
12 tend to change their plans. They may not plan
13 on coming here.

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

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

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

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

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

18 Thank you.

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

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

1 subject of your nonsponsor amendment falls
2 outside the narrow scope of the bill.

3 Therefore, it is not germane and out of order
4 under Rule 9, Section 3.

5 Senator Libous.

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

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

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

18 Announce the results.

19 THE SECRETARY: Ayes, 29. Nays,
20 32.

21 ACTING PRESIDENT SAVINO: The
22 motion fails.

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

1 Seeing none, the debate is closed.

2 The Secretary will ring the bells. I ask all
3 the members to please return to the chamber.

4 Read the last section.

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

7 ACTING PRESIDENT SAVINO: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT SAVINO:
11 Announce the results.

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 425 are
14 Senators Alesi, Bonacic, DeFrancisco, Farley,
15 Flanagan, Fuschillo, Golden, Griffio, Hannon,
16 O. Johnson, Lanza, Larkin, LaValle, Leibell,
17 Libous, Little, Marcellino, Maziarz, McDonald,
18 Nozzolio, Padavan, Ranzenhofer, Robach,
19 Saland, Seward, Skelos, Volker, Winner and
20 Young.

21 Ayes, 32. Nays, 29.

22 ACTING PRESIDENT SAVINO: The
23 bill is passed.

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

1 calendar.

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

6 ACTING PRESIDENT SAVINO: To be
7 filed in the Journal.

8 Senator Klein.

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

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

13 SENATOR KLEIN: There being no
14 further business, Madam President, I move that
15 we adjourn until Tuesday, April 27th, at
16 3:00 p.m.

17 ACTING PRESIDENT SAVINO: There
18 being no further business to come before the
19 Senate, on motion, the Senate stands adjourned
20 until Tuesday, April 27th, at 3:00 p.m.

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

23

24

25