

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 June 7, 2010

11 5:43 p.m.

12
13
14 REGULAR SESSION

15
16
17
18
19 SENATOR DIANE J. SAVINO, Acting President

20 ANGELO J. APONTE, Secretary

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

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

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

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

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

13 REVEREND YOUNG: Thank you,
14 Senator. Let us pray.

15 And let us remember all our
16 Senators so that they will guide our
17 government for a just and caring society. May
18 God strengthen them, lead them and give them
19 wisdom and understanding as they work for our
20 good and the good of all of our New York State
21 citizens.

22 It's not always easy to be gentle.
23 And in the political world, we're taught to be
24 tough, competitive and assertive. But there
25 are times when we like to be soothed and

1 treated gently. We treat packages with
2 gentleness when they are labeled "Fragile:
3 Handle With Care."

4 So we ask You, our compassionate
5 God, to give the sensitivity to our Senators
6 and the courage to be gentle with other
7 people. Help us to hear the anguish and the
8 hurt in other people and treat them with
9 kindly care.

10 Amen.

11 ACTING PRESIDENT SAVINO: The
12 reading of the Journal.

13 The Secretary will read.

14 THE SECRETARY: In Sunday,
15 June 6, the Senate met pursuant to
16 adjournment. The Journal of Saturday, June 5,
17 was read and approved. On motion, Senate
18 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Klein.

6 SENATOR KLEIN: Madam President,
7 on page number 36 I offer the following
8 amendments to Calendar Number 638, Senate
9 Print Number 1837A, and ask that said bill
10 retain its place on Third Reading Calendar.

11 ACTING PRESIDENT SAVINO: So
12 ordered.

13 SENATOR KLEIN: On behalf of
14 Senator Foley, on page number 14 I offer the
15 following amendments to Calendar Number 172,
16 Senate Print Number 4322A, and ask that said
17 bill retain its place on Third Reading
18 Calendar.

19 ACTING PRESIDENT SAVINO: So
20 ordered.

21 SENATOR KLEIN: Madam President,
22 on behalf of Senator Savino, on page number 32
23 I offer the following amendments to Calendar
24 Number 593, Senate Print Number 7452, and ask
25 that said bill retain its place on Third

1 Reading Calendar.

2 ACTING PRESIDENT SAVINO: So
3 ordered.

4 SENATOR KLEIN: Madam President,
5 on behalf of Senator Aubertine, I wish to call
6 up Print Number 6237, recalled from the
7 Assembly, which is now at the desk.

8 ACTING PRESIDENT SAVINO: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 58, by Senator Aubertine, Senate Print 6237,
12 an act to amend the Highway Law.

13 ACTING PRESIDENT SAVINO: Senator
14 Klein.

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

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

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 55.

23 ACTING PRESIDENT SAVINO: Senator
24 Klein.

25 SENATOR KLEIN: Madam President,

1 I now offer the following amendments.

2 ACTING PRESIDENT SAVINO:

3 Amendments received.

4 SENATOR KLEIN: Madam President,
5 on behalf of Senator Peralta, I move that the
6 following bill be discharged from its
7 respective committee and be recommitted with
8 instructions to strike the enacting clause:
9 Senate Print Number 7317.

10 ACTING PRESIDENT SAVINO: So
11 ordered.

12 SENATOR KLEIN: Madam President,
13 on behalf of Senator Andrea Stewart-Cousins,
14 on page number 32 I offer the following
15 amendments to Calendar Number 590, Senate
16 Print Number 6651A, and ask that said bill
17 retain its place on Third Reading Calendar.

18 ACTING PRESIDENT SAVINO: So
19 ordered.

20 Senator Klein.

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

25 ACTING PRESIDENT SAVINO: The

1 Secretary will read.

2 THE SECRETARY: On page 39,
3 Senator Diaz moves to discharge, from the
4 Committee on Aging, Assembly Bill Number 2548
5 and substitute it for the identical Senate
6 Bill Number 7567, Third Reading Calendar 690.

7 ACTING PRESIDENT SAVINO:
8 Substitution ordered.

9 Senator Klein.

10 SENATOR KLEIN: Madam President,
11 can you please recognize Senator Libous for
12 some motions.

13 ACTING PRESIDENT SAVINO: Senator
14 Libous.

15 SENATOR LIBOUS: Madam President,
16 do you recognize me?

17 ACTING PRESIDENT SAVINO: I do.

18 SENATOR LIBOUS: Thank you, Madam
19 President.

20 On behalf of Senator DeFrancisco,
21 on page number 23 I offer the following
22 amendments to Calendar Number 390, Senate
23 Print 6464, and I ask that said bill retain
24 its place on the Third Reading Calendar.

25 ACTING PRESIDENT SAVINO: So

1 ordered.

2 SENATOR LIBOUS: Madam President,
3 on behalf of Senator Farley, I wish to call up
4 his bill, Print Number 1260A, recalled from
5 the Assembly, which is now at the desk.

6 ACTING PRESIDENT SAVINO: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 91, by Senator Farley, Senate Print 1260A, an
10 act to authorize.

11 SENATOR LIBOUS: Madam President,
12 I now wish to reconsider the vote by which
13 this bill was passed.

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

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 57.

19 ACTING PRESIDENT SAVINO: Senator
20 Libous.

21 SENATOR LIBOUS: Madam President,
22 I offer up the following amendments.

23 ACTING PRESIDENT SAVINO:
24 Amendments received.

25 Senator Klein.

1 SENATOR KLEIN: Madam President,
2 I believe there's a resolution at the desk by
3 Senator Sampson. I ask that the title of the
4 resolution be read and move for its immediate
5 adoption.

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

10 SENATOR KLEIN: Yes, it has,
11 Madam President.

12 ACTING PRESIDENT SAVINO: The
13 Secretary will read.

14 THE SECRETARY: By Senator
15 Sampson, legislative resolution commending
16 Pastor Joseph Victor upon the occasion of
17 receiving the Men of Distinction Award on
18 June 10, 2010.

19 ACTING PRESIDENT SAVINO: Are
20 there any Senators that wish to be heard on
21 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 Senator Klein.

7 SENATOR KLEIN: Madam President,
8 I believe there's another resolution by
9 Senator Sampson at the desk. I ask that the
10 title be read and move for its immediate
11 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 Sampson, legislative resolution commending
22 William Scott Wilkins upon the occasion of
23 receiving the Men of Distinction Award on
24 June 10, 2010.

25 ACTING PRESIDENT SAVINO: Are

1 there any Senators wishing to be heard on the
2 resolution?

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

6 (Response of "Aye.")

7 ACTING PRESIDENT SAVINO:
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT SAVINO: The
11 resolution is adopted.

12 Senator Klein.

13 SENATOR KLEIN: Madam President,
14 I believe there's another resolution at the
15 desk by Senator Sampson. I ask that the title
16 of the resolution be read and move for
17 immediate adoption.

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

22 SENATOR KLEIN: Yes, it has,
23 Madam President.

24 ACTING PRESIDENT SAVINO: The
25 Secretary will read.

1 THE SECRETARY: By Senator
2 Sampson, legislative resolution commending
3 David Best upon the occasion of receiving the
4 Men of Distinction Award on June 10, 2010.

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

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

11 (Response of "Aye.")

12 ACTING PRESIDENT SAVINO:
13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT SAVINO: The
16 resolution is adopted.

17 Senator Klein.

18 SENATOR KLEIN: Madam President,
19 I believe there's a resolution again by
20 Senator Sampson at the desk. I ask that the
21 title of the resolution be read and move for
22 its immediate adoption.

23 ACTING PRESIDENT SAVINO: Senator
24 Klein, has this resolution been deemed
25 privileged and submitted by the office of the

1 Temporary President?

2 SENATOR KLEIN: Yes, it has,
3 Madam President.

4 ACTING PRESIDENT SAVINO: The
5 Secretary will read.

6 THE SECRETARY: By Senator
7 Sampson, legislative resolution commending
8 Mitchell S. Pinsky upon the occasion of
9 receiving the Men of Distinction Award on
10 June 10, 2010.

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

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

17 (Response of "Aye.")

18 ACTING PRESIDENT SAVINO:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT SAVINO: The
22 resolution is adopted.

23 Senator Klein.

24 SENATOR KLEIN: Madam President,
25 I believe there's another resolution at the

1 desk by Senator Sampson. I ask that the title
2 of the resolution be read and move for its
3 immediate adoption.

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

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

10 ACTING PRESIDENT SAVINO: The
11 Secretary will read.

12 THE SECRETARY: By Senator
13 Sampson, legislative resolution commending
14 Philip Giller upon the occasion of receiving
15 the Men of Distinction Award on June 10, 2010.

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

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

22 (Response of "Aye.")

23 ACTING PRESIDENT SAVINO: Oppose
24 nay.

25 (No response.)

1 ACTING PRESIDENT SAVINO: The
2 resolution is adopted.

3 Senator Klein.

4 SENATOR KLEIN: Madam President,
5 I believe there's another resolution at the
6 desk by Senator Sampson. I ask that the title
7 of the resolution be read and move for its
8 immediate adoption.

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

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

15 ACTING PRESIDENT SAVINO: The
16 Secretary will read.

17 THE SECRETARY: By Senator
18 Sampson, legislative resolution commending
19 Dean Curtis Elmore upon the occasion of
20 receiving the Men of Distinction Award on
21 June 10, 2010.

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

25 Seeing none, the question is on the

1 resolution. All those in favor please signify
2 by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT SAVINO:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT SAVINO: The
8 resolution is adopted.

9 Senator Klein.

10 SENATOR KLEIN: Madam President,
11 there's another resolution at the desk by
12 Senator Sampson. I ask that the title of the
13 resolution be read and move for its immediate
14 adoption.

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

19 SENATOR KLEIN: Yes, it has,
20 Madam President.

21 ACTING PRESIDENT SAVINO: The
22 Secretary will read.

23 THE SECRETARY: By Senator
24 Sampson, legislative resolution honoring
25 Bishop Walter Dunlap upon the occasion of his

1 designation for special recognition by the
2 Free Mission Temple, Inc.

3 ACTING PRESIDENT SAVINO: Are
4 there any Senators wishing to be heard on the
5 resolution? Seeing none, the question is on
6 the resolution. All those in favor please
7 signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT SAVINO:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT SAVINO: The
13 resolution is adopted.
14 Senator Klein.

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

18 ACTING PRESIDENT SAVINO: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 84, by Senator Parker, Senate Print 2286A, an
22 act to amend the Election Law.

23 ACTING PRESIDENT SAVINO: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT SAVINO: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT SAVINO:
6 Announce the results.

7 THE SECRETARY: Those recorded in
8 the negative on Calendar Number 84 are
9 Senators Lanza, Larkin, Marcellino, Saland,
10 Squadron and Volker. Also Senator C. Kruger.

11 Ayes, 51. Nays, 7.

12 ACTING PRESIDENT SAVINO: The
13 bill is passed.

14 The Secretary will continue to
15 read.

16 THE SECRETARY: Calendar Number
17 164, by Member of the Assembly Maisel,
18 Assembly Print Number 5320A, an act to amend
19 the Public Health Law.

20 ACTING PRESIDENT SAVINO: Read
21 the last section.

22 THE SECRETARY: Section 3. This
23 act shall take effect on the 180th day.

24 ACTING PRESIDENT SAVINO: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT SAVINO: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 222, by Senator Dilan, Senate Print 1083A, an
7 act to amend the Social Services Law.

8 ACTING PRESIDENT SAVINO: Read
9 the last section.

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

12 ACTING PRESIDENT SAVINO: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT SAVINO:
16 Announce the results.

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 222 are
19 Senators DeFrancisco, Farley, Flanagan,
20 Golden, Griffo, Lanza, Larkin, LaValle,
21 Leibell, Libous, Marcellino, Maziarz,
22 McDonald, Nozzolio, Ranzenhofer, Saland,
23 Skelos, Volker and Young.

24 Ayes, 39. Nays, 19.

25 ACTING PRESIDENT SAVINO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 270, by Senator Schneiderman, Senate Print
4 6987A, an act to amend the Penal Law and
5 others.

6 ACTING PRESIDENT SAVINO: Read
7 the last section.

8 THE SECRETARY: Section 16. This
9 act shall take effect on the 90th day.

10 ACTING PRESIDENT SAVINO: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 58.

14 ACTING PRESIDENT SAVINO: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 348, by Senator Hassell-Thompson, Senate Print
18 5207, an act to amend the Correction Law.

19 ACTING PRESIDENT SAVINO: Read
20 the last section.

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

23 ACTING PRESIDENT SAVINO: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT SAVINO: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 442, by Senator Foley, Senate Print 5531A, an
6 act to amend the Environmental Conservation
7 Law.

8 ACTING PRESIDENT SAVINO: Read
9 the last section.

10 THE SECRETARY: Section 7. This
11 act shall take effect on the 120th day.

12 ACTING PRESIDENT SAVINO: Call
13 the roll.

14 (The Secretary called the roll.)

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

17 SENATOR DeFRANCISCO: Yes, I'm
18 going to vote no on this.

19 We have in this great state many
20 different nationalities, many different
21 languages spoken, many different people from
22 different backgrounds. If we require one
23 language to be posted for pesticides in an
24 area where the individuals are predominantly
25 of that particular background, then I can't

1 see how we don't end up doing the same for
2 every single language where there's a
3 substantial number of people that speak that
4 language.

5 On pesticide signs, you can
6 certainly do some type of symbol or color of
7 the flag or whatever to show that there's
8 danger without having to require several
9 different languages on the same little flag --
10 or maybe it will be a very big flag after we
11 get several different languages.

12 So I'm going to vote no.

13 ACTING PRESIDENT SAVINO: Senator
14 DeFrancisco to be recorded in the negative.

15 Announce the results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 442 are
18 Senators DeFrancisco, Flanagan, Golden,
19 Griffo, Lanza, Larkin, Leibell, Libous,
20 Little, Maziarz, Nozzolio, Ranzenhofer,
21 Robach, Saland, Skelos, Volker and Young.

22 Ayes, 41. Nays, 17.

23 ACTING PRESIDENT SAVINO: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 558, by Senator Foley, Senate Print 6699, an
2 act to amend Chapter 591 of the Laws of 2001
3 amending the Banking Law.

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 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT SAVINO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 563, by Member of the Assembly Farrell,
16 Assembly Print Number 8556A, an act to amend
17 the Tax Law.

18 ACTING PRESIDENT SAVINO: Read
19 the last section.

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

22 ACTING PRESIDENT SAVINO: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 58.

1 ACTING PRESIDENT SAVINO: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 607, by Senator Aubertine, Senate Print 7656,
5 an act to amend the Agriculture and Markets
6 Law.

7 ACTING PRESIDENT SAVINO: Read
8 the last section.

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

11 ACTING PRESIDENT SAVINO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT SAVINO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 611, by Member of the Assembly Latimer,
19 Assembly Print Number 5823, an act to amend
20 the Environmental Conservation Law.

21 ACTING PRESIDENT SAVINO: Read
22 the last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect on the 180th day.

25 ACTING PRESIDENT SAVINO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58.

4 ACTING PRESIDENT SAVINO: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 616, by Senator Stavisky, Senate Print 6307B,
8 an act to amend the Education Law.

9 ACTING PRESIDENT SAVINO: Read
10 the last section.

11 THE SECRETARY: Section 7. This
12 act shall take effect in the 90th day.

13 ACTING PRESIDENT SAVINO: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT SAVINO: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 617, by Senator Montgomery --

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

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

25 THE SECRETARY: Calendar Number

1 624, by Senator Montgomery --

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

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

6 THE SECRETARY: Calendar Number
7 625, by Senator Montgomery --

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

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

12 THE SECRETARY: Calendar Number
13 633, by Senator Espada, Senate Print 7422, an
14 act relating to redistributing 2009 bond
15 volume allocations.

16 ACTING PRESIDENT SAVINO: Read
17 the last section.

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

20 ACTING PRESIDENT SAVINO: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT SAVINO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 646, by Senator Thompson, Senate Print 6864,
3 an act to amend the Executive Law.

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 SENATOR LIBOUS: Madam President,
12 excuse me. Can we lay this bill aside?

13 ACTING PRESIDENT SAVINO: The
14 bill is laid aside.

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

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

25 Senator Klein.

1 SENATOR KLEIN: Madam President,
2 can we come back to the controversial
3 calendar.

4 Right now, could we go to a meeting
5 of the Finance Committee, followed by a
6 meeting of the Rules Committee in Room 332.

7 And can I ask members to come right
8 back after the meeting of the Finance and
9 Rules Committees.

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

14 Members are asked to return
15 immediately to the chamber upon the completion
16 of the Rules Committee.

17 The Senate will stand at ease.

18 (Whereupon, the Senate stood at
19 ease at 6:08 p.m.)

20 (Whereupon, the Senate reconvened
21 at 7:09 p.m.)

22 ACTING PRESIDENT SAVINO: Senator
23 Klein.

24 SENATOR KLEIN: Madam President,
25 I believe there's a report of the Rules

1 Committee at the desk. I move that we adopt
2 the report at this time.

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

6 The Secretary will read.

7 THE SECRETARY: Senator Smith,
8 from the Committee on Rules, reports the
9 following bills.

10 Senate Print 7178A, by Senator
11 Dilan, an act to amend the Multiple Dwellings
12 Law;

13 Senate Print 8080, by Senator C.
14 Kruger, an act to amend the Executive Law and
15 others;

16 Senate Print 8088, by the Senate
17 Committee on Rules, an act to amend the
18 Insurance Law;

19 Senate Print 8089, by the Senate
20 Committee on Rules, an act making
21 appropriations for the support of government;

22 And Senate Print 8090, by the
23 Senate Committee on Rules, an act to amend the
24 Public Health Law and others.

25 All bills ordered direct to third

1 reading.

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

5 (Response of "Aye.")

6 ACTING PRESIDENT SAVINO:
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT SAVINO: The
10 Rules Committee report is adopted.
11 Senator Klein.

12 SENATOR KLEIN: Madam President,
13 can we return to Calendar Number 646, which
14 was on the controversial calendar.

15 ACTING PRESIDENT SAVINO: The
16 Secretary will ring the bells and call all the
17 members to the chamber for the reading of the
18 controversial calendar.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 646, by Senator Thompson, Senate Print 6864,
22 an act to amend the Executive Law.

23 ACTING PRESIDENT SAVINO: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT SAVINO: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT SAVINO:
6 Announce the results.

7 THE SECRETARY: Those recorded in
8 the negative on Calendar Number 646 are
9 Senators Bonacic, DeFrancisco, Farley,
10 Flanagan, Fuschillo, Golden, Griffio, Hannon,
11 Lanza, Larkin, LaValle, Leibell, Libous,
12 Little, Marcellino, Maziarz, McDonald,
13 Nozzolio, Padavan, Ranzenhofer, Robach,
14 Saland, Skelos, Volker, Winner and Young.

15 Absent from voting: Senator
16 Seward.

17 Ayes, 32. Nays, 26.

18 ACTING PRESIDENT SAVINO: The
19 bill is passed.

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

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

25 ACTING PRESIDENT SAVINO: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 760, by the Senate Committee on Rules, Senate
4 Print 8088, an act to amend the Insurance Law.

5 ACTING PRESIDENT SAVINO: Senator
6 Klein.

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

9 ACTING PRESIDENT SAVINO: Yes,
10 Senator Klein, there is a message of necessity
11 at the desk.

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

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

18 (Response of "Aye.")

19 ACTING PRESIDENT SAVINO:
20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT SAVINO: The
23 message is accepted.

24 Read the last section.

25 THE SECRETARY: Section 4. This

1 act shall --

2 SENATOR LIBOUS: Lay the bill
3 aside.

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

6 THE SECRETARY: Calendar Number
7 761, by the Senate Committee on Rules, Senate
8 Print 8089, an act making appropriations for
9 the support of government.

10 ACTING PRESIDENT SAVINO: Senator
11 Klein.

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

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

18 SENATOR KLEIN: Madam President,
19 I move that we accept the message at this
20 time.

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

25 (Response of "Aye.")

1 ACTING PRESIDENT SAVINO:

2 Opposed, nay.

3 (Response of "Nay.")

4 ACTING PRESIDENT SAVINO: The
5 message is accepted.

6 Read the last section.

7 THE SECRETARY: Section 20.

8 This --

9 SENATOR LIBOUS: Lay it aside.

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

12 THE SECRETARY: Calendar Number
13 762, by the Senate Committee on Rules, Senate
14 Print 8090, an act to amend the Public Health
15 Law, the State Finance Law, and the Elder Law.

16 ACTING PRESIDENT SAVINO: Senator
17 Klein.

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

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

23 SENATOR KLEIN: I move that we
24 accept the message at this time.

25 ACTING PRESIDENT SAVINO: The

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

4 (Response of "Aye.")

5 ACTING PRESIDENT SAVINO:

6 Opposed, nay.

7 (Response of "Nay.")

8 ACTING PRESIDENT SAVINO: The
9 message is accepted.

10 Read the last section.

11 SENATOR LIBOUS: Lay it aside.

12 ACTING PRESIDENT SAVINO: Senator
13 Klein.

14 SENATOR KLEIN: Madam President,
15 on the last bill, is there a message of
16 necessity and appropriation at the desk?

17 ACTING PRESIDENT SAVINO: Why
18 yes, Senator Klein, there is a message of
19 necessity and appropriation at the desk.

20 SENATOR KLEIN: I move we accept
21 the message at this time.

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

1 (Response of "Aye.")

2 ACTING PRESIDENT SAVINO:

3 Opposed, nay.

4 (Response of "Nay.")

5 ACTING PRESIDENT SAVINO: The
6 message is accepted.

7 Read the last section.

8 SENATOR LIBOUS: Lay the bill
9 aside.

10 ACTING PRESIDENT SAVINO: He
11 didn't read the last section yet, Senator
12 Libous.

13 SENATOR LIBOUS: Lay the bill
14 aside.

15 ACTING PRESIDENT SAVINO: The
16 bill is laid aside.

17 Senator Klein.

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

21 ACTING PRESIDENT SAVINO: The
22 Secretary will ring the bells.

23 We ask all members to please return
24 to the chamber and stay in the chamber for the
25 reading of the controversial supplemental

1 calendar. The calendar will go much quicker,
2 members, if we remain in the chamber.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 760, by the Senate Committee on Rules, Senate
6 Print 8088, an act to amend the Insurance Law.

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

9 SENATOR LIBOUS: Thank you, Madam
10 President. I believe there's an amendment by
11 Senator Hannon at the desk. I would ask that
12 you waive its reading and call on Senator
13 Hannon.

14 ACTING PRESIDENT SAVINO: Senator
15 Libous, there is an amendment at the desk.
16 Without objection, the reading is waived and
17 Senator Hannon may speak on the amendment.

18 SENATOR HANNON: Thank you, Madam
19 President.

20 This amendment would take the
21 provisions of the proposed bill and make it
22 better. It would institute a system of prior
23 approval on rates, but it would ensure that
24 only the people who are pressing the limit,
25 are raising their rates far too much on their

1 premium payers, would be subject to it.

2 It would also make sure that the
3 Superintendent of Insurance had sufficient
4 powers to ensure that those who are the most
5 costly insurers would come under its
6 provisions.

7 It would also add a definition of
8 what is called the medical loss ratio.
9 Because under the current proposal before us,
10 there is no definition.

11 And that's really necessary because
12 the Federal Healthcare Reform Bill, which was
13 passed under President Obama's championship,
14 requires that there be a federal medical loss
15 ratio, and that federal medical loss ratio
16 must be established before the end of this
17 year and may well be established before that,
18 because Health and Human Services Secretary
19 Sebelius has asked the National Association of
20 Insurance Commissioners to come up with one
21 very soon, and they have said they'll do it by
22 the end of this month or the end of next
23 month. So we would cure that.

24 In addition, we would make sure
25 that only the highest costly insurers are

1 covered. If they were not, then they would
2 not have to go through the prior approval
3 process. It would simplify the process. It
4 would be cheaper for the state because, if
5 they're meeting the goal of this bill, then
6 they would not have to go through a costly
7 application and the department would not have
8 to go through a costly review procedure.

9 For those reasons, Madam President,
10 I would submit the amendment ought to be
11 accepted. This is something that was proposed
12 as part of the Executive Budget. It's not
13 necessary to do as part of the one-week
14 extension of the budget, and therefore putting
15 this off to get the amendment printed could be
16 accomplished easily.

17 Thank you.

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

21 Seeing none, the question is on the
22 nonsponsor motion to amend Calendar Number
23 760. Those Senators voting in support of the
24 nonsponsor amendment please raise your hands.

25 Announce the results.

1 THE SECRETARY: Ayes, 26. Nays,
2 32.

3 ACTING PRESIDENT SAVINO: The
4 motion fails.

5 Read the last section.

6 THE SECRETARY: Section 4. 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: Senator
12 Hannon, to explain his vote.

13 SENATOR HANNON: While I support
14 the goals of what we're trying to do -- hold
15 down the rates of insurance for health
16 insurance to the people who have to pay
17 them -- I think that there are several
18 problems involved with this.

19 The bill is patterned after the
20 regulatory scheme that we had in the early
21 '90s. That scheme led to the bankruptcy of an
22 insurance company called WellCare. It led to
23 enormous difficulties with the Empire Blue
24 Cross-Blue Shield, which required a lot of
25 attention by the Legislature at that Point.

1 And it fails to mesh with the federal new
2 regulation of insurance. It does not have a
3 definition of medical loss ratio in here. It
4 gives untoward powers to the Superintendent of
5 Insurance, which if done wisely is fine, but
6 that's not always been the case.

7 For those reasons, while I am
8 supporting the bill, I am putting on the
9 record my doubts that this scheme will work
10 properly.

11 Thank you.

12 ACTING PRESIDENT SAVINO: Senator
13 Breslin, to explain his vote.

14 SENATOR BRESLIN: Thank you very
15 much, Madam President.

16 I think this is a very bright day
17 for New Yorkers. For the last ten years, we
18 have learned to live under bad policy, and
19 that's file and use. For those who don't
20 know, an HMO, when they want a rate increase
21 for the last number of years have filed a
22 sheet of paper and used that rate increase
23 that they filed on that sheet of paper. Maybe
24 a year and a half, a year later the Insurance
25 Department might have discovered that the

1 raise was not appropriate. They have fined
2 various insurance companies for that. But
3 unfortunately, because those rates went up,
4 people were driven off the insurance rolls.

5 And in the last ten years we've
6 also learned, not only statewide but
7 federally, that deregulation doesn't work.
8 And I'll give us an example, the AIG
9 nationally. AIG as a financial institution
10 failed because it wasn't regulated. Its
11 insurance arms worked just fine because there
12 was sufficient regulation and sufficient
13 reserves.

14 The prior approval that we pass
15 here today will allow the Insurance
16 Department, within a 60-day period -- as
17 opposed to the bill that was used during the
18 1990s, the prior approval, this one will have
19 60 days for the Insurance Department to make a
20 decision on whether a rate is justified or
21 not.

22 The Insurance Department will have
23 an opportunity to just not look at the minimum
24 loss ratio, but will have the chance to look
25 at the solvency of the company, the way

1 profits are going, are they going up and down,
2 are there particular health insurance products
3 that they have that need a review and some
4 direction. This will take care of that.

5 And the minimum loss ratio is above
6 the federal. It's at 82. And it is somewhat
7 unclear in the statute we're passing here
8 today. But there's a number of different
9 things -- we want to make sure that health
10 programs don't have the unintended
11 consequences of being eliminated, that they
12 would be included in the minimum loss ratio.
13 There's also the situation with taxes that
14 health insurance -- that health maintenance
15 organizations use. So there will be a
16 rule-making process within the department to
17 accomplish those goals.

18 But today we satisfy small
19 businesses. We satisfy chambers of commerce
20 who have been crying out for better healthcare
21 at a more affordable price. And this is the
22 day that we will now have it.

23 Thank you, Madam President.

24 ACTING PRESIDENT SAVINO: Senator
25 Breslin to be recorded in the affirmative.

1 I would like to remind members on
2 explaining your vote the time limit is two
3 minutes. Let us try and stick to that.

4 Are there any other Senators
5 wishing to explain their vote?

6 Seeing none, announce the results.

7 THE SECRETARY: In reference to
8 Calendar Number 760: Ayes, 58. Nays, 0.

9 Absent from voting: Senator
10 Seward.

11 ACTING PRESIDENT SAVINO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 761, by the Senate Committee on Rules, Senate
15 Print 8089, an act making appropriations for
16 the support of government.

17 SENATOR LIBOUS: Explanation.

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

20 SENATOR CARL KRUGER: Thank you,
21 Madam President.

22 Through you, this is the tenth
23 extender, which basically keeps government
24 functioning during this period of budget
25 negotiations. It provides for \$55.9 billion

1 in All Funds appropriation and \$12.4 billion
2 in a General Fund appropriation.

3 ACTING PRESIDENT SAVINO: Senator
4 DeFrancisco.

5 SENATOR DeFRANCISCO: Would
6 Senator Kruger yield to a question.

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

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

11 ACTING PRESIDENT SAVINO: Senator
12 Kruger yields.

13 SENATOR DeFRANCISCO: The
14 appropriation that you just described is
15 \$55.9 billion. And from the bill, it appears
16 that these pertain not only to one week but
17 also throughout the entire year. And my
18 question is, what percentage of the entire
19 budget does this extender represent?

20 SENATOR CARL KRUGER: Through
21 you, Madam President, approximately
22 40 percent.

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

25 SENATOR CARL KRUGER: Yes, I do.

1 ACTING PRESIDENT SAVINO: Senator
2 Kruger yields.

3 SENATOR DeFRANCISCO: Today we
4 are passing 40 percent of the budget of the
5 State of New York. Can you tell me by what
6 process we arrived at this particular decision
7 today?

8 SENATOR CARL KRUGER: Through
9 you, Madam President, by legislation.

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

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

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

16 SENATOR DeFRANCISCO: Would
17 Senator Kruger tell me by whom -- and I don't
18 mean bill drafting -- what individuals created
19 the legislation and made the agreements upon
20 which the legislation was based, and how did
21 that happen from last Monday till today?

22 SENATOR CARL KRUGER: Through
23 you, Madam President, these are Governor's
24 bills.

25 SENATOR DeFRANCISCO: Would

1 Senator Kruger yield to another question.

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

4 ACTING PRESIDENT SAVINO: Senator
5 Kruger yields.

6 SENATOR DeFRANCISCO: Was there
7 any negotiations -- three ways, five ways --
8 between any leaders between last Monday and
9 today to arrive at this 40 percent of the
10 budget of the State of New York?

11 SENATOR CARL KRUGER: Through
12 you, Madam President, yes.

13 SENATOR DeFRANCISCO: And would
14 Senator Kruger yield to another question.

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

17 SENATOR CARL KRUGER: Yes, I do.

18 ACTING PRESIDENT SAVINO: Senator
19 Krueger yields.

20 SENATOR DeFRANCISCO: Can you
21 tell me when those meetings were held and who
22 participated in those meetings to arrive at
23 this agreement?

24 SENATOR CARL KRUGER: Through
25 you, Madam President, I don't have dates,

1 times and places, but I will try to get them
2 furnished to you.

3 SENATOR DeFRANCISCO: Would
4 Senator Kruger yield to another question.

5 SENATOR CARL KRUGER: Yes, I do.

6 ACTING PRESIDENT SAVINO: Senator
7 Kruger yields.

8 SENATOR DeFRANCISCO: Since we're
9 going to vote on this presumably tonight
10 sometime before midnight so government won't
11 stop, when would you anticipate having that
12 information for the rank and file of this
13 chamber?

14 SENATOR CARL KRUGER: Through
15 you, Madam President, I'm going to ask the
16 staff to compile it as quickly as possible.

17 SENATOR DeFRANCISCO: Point of
18 order. May we go at ease until we get this
19 information, Madam President?

20 ACTING PRESIDENT SAVINO: Senator
21 Klein.

22 SENATOR KLEIN: Madam President,
23 if Senator DeFrancisco wants to stand at ease,
24 he'll have to make a formal motion to do that.

25 SENATOR DeFRANCISCO: There's no

1 need for a formal motion. I would just like
2 to ask Senator Kruger another question, if
3 he'd be willing to answer it.

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

6 SENATOR CARL KRUGER: Yes,
7 certainly. Through you, Madam President.

8 ACTING PRESIDENT SAVINO: Senator
9 Kruger will continue to yield.

10 SENATOR DeFRANCISCO: Are you
11 telling this body and all the viewers that may
12 be watching this, either through TV stations
13 or the Internet, that you as chairman of
14 Finance do not know as you stand here today,
15 proposing a bill that includes 40 percent of
16 the budget of the State of New York, who
17 participated in the discussions to arrive at
18 the legislation that is this bill that we're
19 voting on today?

20 SENATOR CARL KRUGER: Through
21 you, Madam President. I did not say, Senator,
22 that I did not know who. I said that in order
23 to put together the times, places and
24 information, we would have staff do it and get
25 it to you as expeditiously as possible.

1 SENATOR DeFRANCISCO: Would
2 Senator Kruger yield to another question.

3 SENATOR CARL KRUGER: Yes. And
4 the last one, Madam President.

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

7 SENATOR DeFRANCISCO: Well, I'll
8 try to make this a good one since he's limited
9 in time tonight in answering questions on
10 40 percent of the budget.

11 Can you tell me whether or not any
12 members of the minority parties in either
13 house participated in this drafting -- in the
14 negotiations that led to the drafting? And
15 I'm talking about either Senator Skelos or
16 Minority Leader Kolb.

17 SENATOR CARL KRUGER: Through
18 you, Madam President, to the best of my
19 knowledge they did not.

20 Thank you.

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

23 ACTING PRESIDENT SAVINO: Senator
24 Kruger?

25 SENATOR CARL KRUGER: No.

1 ACTING PRESIDENT SAVINO: Senator
2 Kruger will not yield for another question.

3 Senator DeFrancisco, on the bill.

4 SENATOR DeFRANCISCO: For so many
5 years the Democrat Party lusted to become the
6 majority party to run this house. It is
7 absolutely amazing what we're viewing here
8 today. We're in our tenth budget extender,
9 tenth budget extender. And this extender
10 miraculously results in the determination of
11 40 percent of the state budget of the New York
12 State -- \$55.9 billion, with a B.

13 And there's been no participation
14 for the minority party, no public conference
15 committee meetings, no determinations
16 whatsoever of who the conference committee
17 members are going to be by the Assembly, no
18 schedule for conference committee meetings,
19 and miraculously -- we don't when, we don't
20 know how many meetings, we don't know who was
21 there -- but all we do know is that no
22 Republican minority members participated in
23 those discussions.

24 I don't know how to aptly describe
25 that process. But it certainly violates the

1 law, the letter of the law and the spirit of
2 the law of 2007 which called for an open
3 public process.

4 And the amazing part about all of
5 this is that the mere fact that these cuts
6 take place, you can't prioritize in this
7 budget extender how these cuts compare to
8 maybe other areas that could be cut. Maybe
9 there's a better way to do it. Maybe if the
10 public participated and there was discussions
11 open among all the conference committees of
12 members of this house, maybe there would be an
13 idea how you wouldn't have to cut certain
14 areas of this budget that are being cut by
15 this miraculous process.

16 In addition, there are other areas
17 of potential cuts. And at the next extender
18 bill that's on the agenda there's going to be
19 some suggestions, some amendments, since the
20 Republican minority was not allowed to
21 participate in the process. Senator Skelos
22 and Assembly Minority Leader Kolb are invited
23 to the five-way leaders' public show that goes
24 on where nothing is decided. But where it
25 really matters, behind closed doors, and where

1 it really would matter, at conference
2 committees, they're not participating.

3 But we've got other suggestions
4 which I've got a feeling -- I just have this
5 feeling, I don't know where I get it from --
6 they're probably not going to be accepted by
7 the majority party. But in any event, we're
8 going to make that attempt later on.

9 So here we are doing a piecemeal
10 budget. And when you do a budget -- at least
11 I thought when a family does a budget, the
12 state should do it the same way. Namely,
13 you've got to make priorities. What -- maybe
14 some of these cuts are not the cuts that are
15 the most logical ones to be made when you
16 consider the other 60 percent of the budget.

17 So apparently the process this year
18 is going to be do 40 percent today, maybe
19 20 percent next week, maybe another 15 percent
20 the week after that, and at some point in time
21 we'll get to 100 percent by a piecemeal
22 process that is totally violative of the rules
23 and regulations by statute that were provided
24 in 2007.

25 So for the reasons that I just

1 mentioned -- the process is faulty, it
2 violates the law, the result is faulty because
3 we're not laying one potential cut against
4 another potential cut, we're not making
5 priorities, we're just doing bits and
6 pieces -- and who knows there might not be
7 other cuts to healthcare in the next segment
8 of our extenders -- no one in good conscience
9 could vote on 40 percent of at budget not
10 knowing what remains in the last 60 percent.
11 Nobody can if you're being honest with
12 yourself.

13 And I made the analogy with
14 families. Can you imagine if you had a
15 problem in your family as far as the budget is
16 concerned and this week we're going to do
17 40 percent of it and we'll worry about the
18 next 60 percent next week or 20 percent a week
19 thereafter?

20 You may make mistakes in the first
21 round. And I've got a feeling and you'll see
22 from our potential amendments that a lot of
23 mistakes were made in this particular
24 extender.

25 So for I don't know what straight

1 week -- I think I may have vote for one or two
2 in the beginning -- but for at least eight
3 straight weeks I'm voting no on this budget.
4 It's a piecemeal document that has such a
5 great percentage of the total budget that it
6 cannot possibly be passed or voted on by
7 anybody who truly, truly is trying to make a
8 good budget for the State of New York.

9 So when the vote is called I will
10 be voting no. Thank you, Madam President.

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

13 Senator Nozzolio, on the bill.

14 SENATOR NOZZOLIO: Thank you,
15 Madam President. Will Senator Kruger yield?

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

18 SENATOR NOZZOLIO: Yes, I would.

19 ACTING PRESIDENT SAVINO: Senator
20 Kruger yields.

21 SENATOR NOZZOLIO: Thank you,
22 Senator Kruger. Through you, Madam President.

23 Will the bill before us require any
24 tax hikes?

25 SENATOR CARL KRUGER: Through

1 you, Madam President, no.

2 SENATOR NOZZOLIO: Will Senator
3 Kruger continue to yield.

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

6 SENATOR CARL KRUGER: Yes, I do.

7 ACTING PRESIDENT SAVINO: Senator
8 Kruger yields.

9 SENATOR NOZZOLIO: Senator
10 Kruger, do you guarantee to the members who
11 are looking at this measure -- and Senator
12 DeFrancisco indicated 40 percent of the state
13 budget contains the spending plan therein --
14 that there will be no tax hikes this year as a
15 result of this spending plan?

16 SENATOR CARL KRUGER: Through
17 you, Madam President. Firstly, no, I did not
18 say that. The reference was to this bill.

19 Secondly, secondly -- you know,
20 this is almost like Gaslight. Because, you
21 know, let's just reflect back for a moment.
22 Last week, at the five-way leaders' meeting,
23 there was a request made and an affirmation
24 that the scorecards would be distributed to
25 the minority and the scorecards were

1 distributed to the minority. And part of that
2 process was that the give-and-take where the
3 recommendations and the suggestions and the
4 minority's blueprint towards resolving this
5 budget would become crystal-clear and
6 available to everyone.

7 Well, the fact of the matter is
8 that did not happen. So consequently, you
9 know --

10 SENATOR SKELOS: Madam President.

11 SENATOR CARL KRUGER: -- when we
12 have the chairman of our Health Committee,
13 Senator Duane, send a letter --

14 ACTING PRESIDENT SAVINO: Senator
15 Skelos.

16 SENATOR CARL KRUGER: -- send a
17 letter to Senator Hannon -- I have the
18 floor -- to Senator Hannon asking for
19 participation on the health agenda of the
20 budget and to participate in it --

21 SENATOR LIBOUS: Madam President.

22 SENATOR CARL KRUGER: -- he gets
23 no response.

24 ACTING PRESIDENT SAVINO: Senator
25 Skelos, why do you rise?

1 SENATOR LIBOUS: Senator Nozzolio
2 has the floor, and Senator Skelos has risen.

3 ACTING PRESIDENT SAVINO: Senator
4 Skelos, why do you rise?

5 SENATOR SKELOS: Madam President,
6 just as a point of clarification to Senator
7 Kruger, last week at the five-way leaders'
8 meeting we were told by the Governor and it
9 was agreed upon by the two majorities that we
10 would see the scoring by the Governor as to
11 the actual numbers in the Senate majority
12 resolution, the Assembly majority resolution,
13 and what had been agreed upon between the two
14 majorities concerning \$6 billion in supposed
15 cuts.

16 We have not received those
17 scorings. We have not received them. So you
18 stand corrected.

19 SENATOR CARL KRUGER: Through
20 you, Madam President. Once again, to the best
21 of my recollection, was that those scorecards
22 were going to be distributed to both
23 minorities and at that point both minorities
24 were going to offer up their suggestions and
25 their view as to the budget resolution

1 process. That's the way I heard it.

2 SENATOR NOZZOLIO: Will Senator
3 Kruger continue to yield, Madam President?

4 ACTING PRESIDENT SAVINO:
5 Senator --

6 SENATOR SKELOS: Point of
7 clarification. What is the scoring --

8 ACTING PRESIDENT SAVINO: Senator
9 Skelos --

10 SENATOR KLEIN: Madam President.

11 ACTING PRESIDENT SAVINO: Yes,
12 Senator Klein.

13 SENATOR KLEIN: If Senator Skelos
14 wants to speak, he has to yield to Senator
15 Nozzolio, who now has the floor.

16 ACTING PRESIDENT SAVINO: Thank
17 you, Senator Klein, I was just about to
18 suggest that to Senator Skelos.

19 SENATOR SKELOS: Senator
20 Nozzolio, would you yield to me?

21 ACTING PRESIDENT SAVINO: Senator
22 Nozzolio, will you yield the floor to Senator
23 Skelos?

24 SENATOR NOZZOLIO: Madam
25 President, I'll be happy to yield to Senator

1 Skelos.

2 ACTING PRESIDENT SAVINO: Senator
3 Skelos, on the bill.

4 SENATOR SKELOS: Madam President,
5 again, I would suggest to Senator Kruger that
6 he's confusing two issues that arose at the
7 leaders' meeting.

8 The actual scoring of the proposed
9 or suggested cuts by the Senate majority
10 resolution, the Assembly majority
11 resolution -- the Senate one, for example, I
12 know every single member of the Senate
13 majority Democrats voted for a billion-four in
14 school aid cuts. We want to make sure those
15 numbers are correct.

16 But the bottom line is we were
17 given a commitment that we would receive those
18 numbers forthwith prior to us having
19 discussion in another extender, and we have
20 not received them. I mean, that's the bottom
21 line.

22 So, Senator Nozzolio, I appreciate
23 you yielding to me, and carry on.

24 SENATOR NOZZOLIO: Senator
25 Skelos, thank you for that clarification.

1 Madam President, on the bill.

2 ACTING PRESIDENT SAVINO: Senator
3 Nozzolio, on the bill.

4 SENATOR NOZZOLIO: Madam
5 President, as Senator DeFrancisco began the
6 debate this evening, as Senator Skelos
7 amplified that debate, we do not have a
8 process at all for 40 percent of the state
9 expenditures. The entire budget process over
10 these past weeks has been ridiculous if not
11 existent.

12 Today, as we're talking about very
13 severe, significant substance, not even an
14 indication by the chairman of the Finance
15 Committee relative to the potential for
16 additional tax hikes is forthcoming.

17 And when you are pursuing a budget
18 on such a piecemeal basis, I believe that's
19 the only conclusion that one can draw, that
20 because all the information isn't before us,
21 because all the spending plan is not in place,
22 this body is voting in the dark on whether or
23 not there is in fact a major tax hike coming
24 down as a result of this spending plan.

25 I know Senator Kruger believes

1 there is a better way; at least I would hope
2 he would. Certainly the members on this side
3 of the aisle, the Republicans, believe that at
4 the very least the lack of transparency in
5 what's being proposed is unconscionable.

6 Madam President, one can only
7 conclude that the taxpayers are going to be
8 significantly hurt by this horrendous lack of
9 transparency, by this cavalier attitude that a
10 measure can go forward without any
11 explanation, without any assurances, without
12 any concrete evidence that in effect there
13 will be no tax hike as a result.

14 I think those who vote for this
15 measure are very likely to be voting for tax
16 hikes. And that, Madam President, is what the
17 taxpayers of this state can least afford.
18 That's why I will be voting against this
19 measure and urge my colleagues to do the same.

20 ACTING PRESIDENT SAVINO: Senator
21 Nozzolio to be recorded in the negative.

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

24 Senator Padavan.

25 SENATOR PADAVAN: Thank you,

1 Madam President. Would Senator Kruger yield
2 to a question, please?

3 ACTING PRESIDENT SAVINO: Senator
4 Kruger, will you yield to Senator Padavan?

5 SENATOR CARL KRUGER: Certainly,
6 Madam President.

7 ACTING PRESIDENT SAVINO: Senator
8 Kruger yields.

9 SENATOR PADAVAN: Senator Kruger,
10 last week during your dialogue with Senator
11 DeFrancisco the issue came up relevant to
12 targets that we could deal with as
13 committees -- or in any fashion that's
14 appropriate -- and he asked you whether or not
15 these targets would be available.

16 And I'd like to share with you your
17 response. You said: "Yes, there are targets.
18 Those targets will be discussed tomorrow at
19 the five-way meeting. And with the leadership
20 agreeing, the next step hopefully is the
21 process to begin conference committees."

22 My question therefore, Senator, is
23 the five leaders met, there were discussions.
24 Are conference committees about to meet?

25 SENATOR CARL KRUGER: Through

1 you, Madam President. Firstly, I appreciate
2 you refreshing my memory, Senator Padavan.

3 SENATOR PADAVAN: My pleasure.

4 SENATOR CARL KRUGER: Secondly,
5 at that five-way leaders' meeting the
6 representation that was made in terms of the
7 scorecard, as outlined by Senator Skelos, was
8 representations that were made by the
9 Governor, not by this majority.

10 And secondly, the process that's
11 going forward, these bills are Governor's
12 bills. The Governor is driving these bills
13 and this agenda. And I remain optimistic that
14 as we go forward, conference committees will
15 become part of the final budget process.

16 SENATOR PADAVAN: Madam
17 President, will the Senator yield again?

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

20 SENATOR CARL KRUGER: Yes, I do.

21 SENATOR PADAVAN: I'm delighted
22 that we're optimistic. But as we've heard
23 earlier, we're at 40 percent of the budget.
24 It seems to me that critical mass has long
25 since passed us. Do you recall that phrase,

1 "critical mass"?

2 SENATOR CARL KRUGER: I recall
3 the radar --

4 SENATOR PADAVAN: And you also
5 recall the radar screen.

6 SENATOR CARL KRUGER: Right.

7 SENATOR PADAVAN: So the radar
8 screen and the critical mass is behind us.
9 Now, last week, hope springing in the hearts
10 of men, you said we'd have conference
11 committees or you thought we would. And here
12 we are a week later. Now, I would say, you
13 know, optimistic as we might wish to be, I
14 think we've reached a certain point here where
15 optimism has to give way to reality, and that
16 reality is that we get together and start
17 analyzing this budgeting in an appropriate
18 way, so that the questions that were asked by
19 Senator DeFrancisco would no longer be
20 applicable. We'd know how we got where we're
21 at.

22 And I realize these are not your
23 proposals before us, they are the Governor's.
24 We understand that. But we have a
25 responsibility. And I don't believe we're

1 discharging it properly by not doing the
2 things we're supposed to be doing, by law.
3 Not by desire, not by inclination, but by law.
4 Do you agree with me, Senator?

5 SENATOR CARL KRUGER: Do you have
6 a question?

7 SENATOR PADAVAN: Yeah, do you
8 agree with me? That's my question.

9 SENATOR CARL KRUGER: No, I don't
10 agree with you. Thank you.

11 Thank you, Madam President.

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

15 Seeing none, debate is closed.

16 The Secretary will please ring the
17 bells. I ask all members to return to the
18 chamber as expeditiously as possible.

19 Read the last section.

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

22 ACTING PRESIDENT SAVINO: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT SAVINO:

1 Announce the results.

2 THE SECRETARY: Those recorded in
3 the negative on Calendar Number 761 are
4 Senators Bonacic, DeFrancisco, Farley,
5 Flanagan, Fuschillo, Golden, Griffio, Hannon,
6 Lanza, Larkin, LaValle, Leibell, Libous,
7 Little, Marcellino, Maziarz, McDonald,
8 Nozzolio, Padavan, Ranzenhofer, Robach,
9 Saland, Skelos, Volker, Winner and Young.

10 Absent from voting: Senator
11 Seward.

12 Ayes, 32. Nays, 26.

13 ACTING PRESIDENT SAVINO: The
14 bill is passed.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 762, by the Senate Committee on Rules, Senate
18 Print 8090, an act to amend the Public Health
19 Law and others.

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

22 SENATOR LIBOUS: Thank you, Madam
23 President.

24 I believe there are two amendments
25 at the desk by Senator Hannon. I'd ask that

1 you please waive the first one's reading and
2 call on Senator Hannon.

3 ACTING PRESIDENT SAVINO: Senator
4 Libous, there is an amendment here at the
5 desk. Without objection, the reading is
6 waived and Senator Hannon may speak on his
7 amendment.

8 SENATOR HANNON: Thank you, Madam
9 President.

10 New York State, because of
11 Medicaid, is facing unprecedented budget gaps
12 in the next two years, for this budget year
13 and for next year. And there needs to be
14 unprecedented addressing of the problem that
15 Medicaid has.

16 A program that has afforded so many
17 quality healthcare has to be, at a time when
18 we have less money, intelligently pruned,
19 intelligently managed, changed to a system
20 that is a health system instead of something
21 that is simply a bill-paying system. And
22 that's all we have right now.

23 We have offered some amendments
24 that will increase the savings from that
25 system, and we will offer in part of those

1 amendments things that will address problems
2 that are now in the main bill that I think are
3 counterproductive, that are unwise, and will
4 actually drive up the cost of Medicaid to the
5 taxpayers of this state.

6 As part of our amendments we want
7 to close the eligibility loopholes for certain
8 services, we want to cap personal-care
9 services, we want to reinstate some of the
10 expansions of eligibility that were done just
11 last year -- not talking about things done in
12 the past decade, prior administrations, prior
13 majorities -- just done last year, something
14 we had a hand in.

15 We'd also want to do that in regard
16 to postponing the expansion of Family Health
17 Plus enrollment to well beyond any benefit
18 that is offered to anyone in any other state.

19 We want to remove the readmission
20 provision that's in the main bill. We want to
21 evaluate the optional services and see what
22 the priorities are of what's the most
23 essential at a time of need. We want to
24 establish the long-term-care financing demo
25 program, because the long-term-care program in

1 this state is a hodgepodge of different
2 programs put together, no rhyme and reason in
3 meshing them together, no rhyme and reason in
4 meshing the care for the patient, no vision as
5 to where we're going -- all at a time when
6 next January the number of baby boomers
7 turning 65 in this nation will be about 10,000
8 a month.

9 We want to establish a county
10 nursing home demo program to convert county
11 nursing homes into long-term-care settings.
12 We want to deal with the assisted living
13 reimbursement rate. We want to deal with
14 rightsizing the nursing homes. We want to up
15 the reimbursement for buy-ins to Family Health
16 Plus. And we want to take the penalties that
17 are levied on individuals for Medicaid fraud
18 and increase those.

19 This is a very extensive and I
20 think comprehensive agenda, unlike the bill
21 before us, which deals in a piecemeal way with
22 so many of the budget problems, so many of the
23 Medicaid programs. You don't know the full
24 range of options when you're dealing with the
25 healthcare budget in this fashion.

1 Senator Kruger talked about
2 40 percent of the total budget being addressed
3 tonight, between the appropriation bill and
4 the Article 7 bill. It's absolutely
5 unprecedented that we have played touch
6 football with this budget. We've abandoned
7 the conference committees that's our immediate
8 history in 2007. And every week we seem to
9 have a new procedure -- you'll get a
10 scorecard, you'll get some type of conference
11 committees in the future. Meanwhile, we're
12 locking people in without knowing the options.

13 This bill does not make the
14 healthcare system go forward. It doesn't give
15 any opportunities for us to shape what's
16 happening. And there's one provision in
17 particular that I think is particularly
18 unwise. There is a penalty given for
19 readmissions of a patient to a hospital. Now,
20 some people may say the federal government's
21 doing that. Well, they are, for three
22 conditions: Heart attack, heart failure, and
23 pneumonia.

24 The bill before us would do it for
25 all conditions, and it would say that the

1 hospitals really have to change their mission.
2 Right now their mission to the patient ends
3 when the patient is discharged. If we now say
4 15 and 30 days out that they have to keep
5 track of those patients and they'll be
6 responsible for not getting paid if there's a
7 readmission of those patients to the
8 hospitals, then they're going to have to add
9 staff, they're going to have to add computers,
10 they're going to have to add databases they
11 have to track. They have to make arrangements
12 with everybody in their area -- arrangements
13 that do not exist -- because they don't know
14 if somebody who has been in their hospital is
15 within a month in another hospital. So that
16 doesn't exist whatsoever.

17 All of this, by the terms of the
18 bill, is supposed to be implemented by
19 July 2010. It's ridiculous. And what's more
20 ridiculous is not you who want to vote for
21 this because you feel a gun is to your head,
22 it is the Division of the Budget and the
23 Governor who are saying we want to make these
24 policies with these enormous changes as to
25 what's going to happen in a hospital, who's

1 going to have to pay for that, we want to do
2 that as part of the budget process.

3 That's wrong. It's not good
4 health, it's not good planning, it's not good
5 budgeting, and we should not be doing it.

6 We have also pending right now
7 what's known as Kendra's Law, how we treat the
8 mentally ill and whether we can go through a
9 procedure to make sure that they have drugs,
10 the psychotropic drugs that help the mentally
11 ill.

12 Well, the bill says, you know, you
13 don't have to deal with the behavioral health
14 readmissions. But we don't know when that is
15 going to take place. Suppose it only occurs
16 after they're discharged? We don't know the
17 full scope of it. Many of the times the
18 readmissions -- as we know, this is a
19 difficult and fragile population; they may be
20 readmitted for something else. This bill
21 leaves all of that undefined, unsketched out.

22 The last part is why do we start to
23 start to fine the hospitals when we may not
24 have people who pay attention to their
25 discharge requirements and instructions?

1 This whole process is wrong. We
2 need to change the Medicaid system. We need
3 to make sure that it becomes a healthcare
4 system. This bill doesn't do it. You're
5 purporting to address the entire healthcare
6 bill in this emergency extender.

7 It doesn't have to be done this
8 way. If you had had the conference
9 committees, you could have had this discussion
10 in public. You could have had it argued in
11 public. If you don't agree with this
12 amendment, you could have said it there.
13 That's what democracy is all about, to have a
14 public process, and you're not doing it. And
15 it makes me mad because we have an opportunity
16 to deliver better health for the people of
17 New York.

18 I would offer this amendment, and I
19 would suggest that everybody should support
20 it.

21 ACTING PRESIDENT SAVINO: Are
22 there any other Senators who wish to be heard
23 on the amendment?

24 Seeing none, the question is on the
25 nonsponsor motion to amend Calendar Number

1 762. Those Senators voting in support of the
2 nonsponsor amendment please signify by raising
3 your hand.

4 Announce the results.

5 THE SECRETARY: Ayes, 26. Nays,
6 32.

7 ACTING PRESIDENT SAVINO: The
8 motion fails.

9 Senator Libous.

10 SENATOR LIBOUS: Madam President,
11 I believe there's another amendment by Senator
12 Hannon at the desk. I ask that you waive its
13 reading and please call on Senator Hannon to
14 explain his amendment.

15 ACTING PRESIDENT SAVINO: Senator
16 Libous, there is an amendment at the desk.
17 Without objection, the reading is waived and
18 Senator Hannon may speak on the amendment.

19 SENATOR HANNON: Thank you, Madam
20 President.

21 I want to offer an amendment to the
22 Article 7 bill which would deal just with the
23 expansion of procedural eligibility to
24 Medicaid that we enacted in last year's
25 budget. We would reinstate the asset resource

1 test. We would reinstate face-to-face
2 interviews for eligibility and
3 recertification. And we would reinstate the
4 finger-imaging requirements that were
5 eliminated.

6 The savings to the state alone
7 would be \$34 million. The gross savings for
8 all people contributing -- the federal
9 government and state and local -- would be
10 \$89 million. It's a targeted amendment. I
11 move its adoption.

12 ACTING PRESIDENT SAVINO: Are
13 there any other Senators wishing to be heard
14 on the amendment?

15 Seeing none, the question is on the
16 nonsponsor motion to amend Calendar Number
17 762. Those Senators voting in support of the
18 nonsponsor amendment please signify by raising
19 your hands.

20 Announce the results.

21 THE SECRETARY: Ayes, 26. Nays,
22 32.

23 ACTING PRESIDENT SAVINO: The
24 motion fails.

25 We now return to the bill in chief.

1 The bill is before the house.

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

4 Senator Skelos.

5 SENATOR SKELOS: Madam President,
6 again, this extender and the previous
7 extenders that we've witnessed come before
8 this chamber again have been negotiated in
9 secret by the Governor, the Senate Democrats
10 and the Assembly Democrats. It's obvious that
11 there were negotiations, secretive
12 negotiations over the weekend, because the
13 extender bill has been dramatically changed
14 from what Budget Director Megna indicated that
15 it would be this past Friday.

16 Now, the extender, as has been
17 pointed out by Senator Hannon, really does not
18 go far enough in reforming and reducing
19 Medicaid spending. And it includes no
20 provision -- in fact, every Democrat just
21 voted against the proposed amendment that
22 would really help crack down on Medicaid fraud
23 and said I'm not going to vote for it.

24 The Governor and the Senate
25 Democrats and the Assembly Democrats have

1 increasing the reestimation of Medicaid fraud
2 by another \$300 million. Now, certainly we
3 believe and it's been the position of this
4 minority Republican conference that there are
5 billions that can be obtained through going
6 after Medicaid fraud. The latest figures show
7 and today we've recommended where you could
8 save approximately \$400 million through the
9 amendment that was also defeated.

10 What's frightening is that state
11 spending, as was indicated by Senator
12 DeFrancisco, this April will be 4 percent
13 higher than last April. That's \$400 million
14 more, almost all of it due to an increase in
15 Medicaid spending. And the danger is -- and
16 many will say that, well, it's federal money.
17 That federal money disappears next year. So
18 the Democrats, you're already digging a hole
19 into next year's budget.

20 Senator Kruger indicated that with
21 the extender we are spending about 40 percent
22 of our entire state budget. I guess the
23 question I would have to ask would be how does
24 Senator Kruger even know it's 40 percent when
25 he has not indicated what the total spending

1 or fiscal plan will be in this budget.

2 So again, we have offered
3 responsible amendments of over \$400 million to
4 truly reform and start the restructuring that
5 is necessary within the Medicaid system.

6 Again, I want to reemphasize that
7 at the last five-way leaders' meeting it was
8 agreed upon that Assemblyman Kolb and myself,
9 our respective conferences would get the
10 scoring or the marking, whatever you want to
11 call it, as to the resolutions that were
12 passed by the Democrat majorities and also a
13 scoring of what had been agreed upon between
14 the two majorities.

15 And of course that commitment has
16 not been met, just like the Budget Reform Act
17 of 2007 is being violated on a daily basis by
18 both Assembly and Senate Democrats.

19 And I'm shocked by this because the
20 great reformers, some of them not in the
21 chamber right now, that were going to reform
22 the way things were operating in Albany quite
23 frankly is an embarrassment. You're
24 embarrassing the public, and the dysfunction
25 in Albany has only gotten worse.

1 So I would urge, again, the Senate
2 Democrats, rather than just saying "We want to
3 do it," do it. Let's start the joint
4 conference committees, get the Speaker on
5 board, let's start the negotiations, and this
6 budget could be completed very quickly.

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

9 Senator Diaz, on the bill.

10 SENATOR DIAZ: Thank you, Madam
11 President.

12 Today is the number-ten extension
13 bill that we are doing. The first week, the
14 first week, the first extension we did, we
15 voted thinking that we cannot shut the
16 government. There was panicking. It was
17 never heard of -- how could we shut the
18 government? People will suffer. Who's going
19 to do that? Shut the government? You've got
20 to vote for these cuts, you've got to vote for
21 these extensions or you're going to shut the
22 government.

23 So the first week we did it, I did
24 it thinking that maybe by next week we will
25 get a budget done. The second week came, and

1 there was again, You're going to shut the
2 government? You can't do that. You're a
3 Democrat. You've got to support your party.
4 You've got to support your conference. You've
5 got to support your leader. You can't shut
6 the government. So I voted again.

7 The third week came, here we go
8 again. You cannot shut the government.
9 That's -- people are going to suffer.

10 So I have been voting for 10 weeks,
11 praying, Madam President and ladies and
12 gentlemen, praying that let's vote today,
13 every week, maybe by next week we will solve
14 the problem of the budget. But meanwhile, I
15 keep voting against my conscience, against
16 what I feel, against what I would like to do,
17 cutting services, cutting money to people that
18 I'm supposed to be helping. Thinking that we
19 are going to get a budget.

20 But nothing's done with the budget.
21 There is no move, there is nothing happening.
22 And every week, 10 weeks, 10 weeks, 10 weeks:
23 You cannot shut the government. People will
24 suffer.

25 And let me tell you what we're

1 doing today. I have no hospitals in my
2 district. There isn't a hospital in my
3 district, there is not one. So I'm safe,
4 praise God. There is no hospital.

5 But the people that I represent,
6 Madam President, the people that I represent
7 in my district, they go to all different
8 hospitals in the Bronx. And today, Lincoln
9 Hospital will be affected by \$3 million.
10 Bronx-Lebanon Hospital, \$9 million.
11 Montefiore Hospital, \$10 million. North
12 Central Bronx Hospital, \$1 million. St.
13 Barnabas Hospital, \$6 million. Calvary
14 Hospital, \$346,000. Jacobi Medical Center,
15 \$2 million. Montefiore Hospital, \$13 million.
16 And so on and so on.

17 And then we have said, You voted
18 for this, you have to vote for this or you
19 will shut the government. Ten weeks. Ten
20 weeks.

21 I'm going to vote for this today.
22 I'm voting for this one today. But I want
23 you, Madam President, to know that something
24 has to be done from here till next Monday,
25 because I am afraid, I am afraid that

1 government will get shut down next week.

2 Because I'm not planning to vote for any more
3 extensions. Either we fix the budget from
4 here to Monday or the Governor will get what
5 he wants, the Governor will get what he wants,
6 to shut the government.

7 So I'm voting -- my heart is
8 broken. I'm voting for this today. Painful.
9 Because we don't want to shut the government.
10 How could we do that? Ten weeks. So
11 tonight -- and people could go to my office
12 and picket, demonstrate in front of my office.
13 The editorial boards could write whatever they
14 want about me. You could say whatever you
15 want to say about me. I am not voting no more
16 to cut and to hurt the people that I'm
17 supposed to be helping. This is the last one.

18 Monday coming, I'm putting -- I'm
19 saying it publicly, I'm telling the whole
20 world, I'm telling my district and the people
21 in my community, I am in an election year, you
22 could kick me out, you could vote for my
23 opponent. I'm not voting, no more.

24 So you got my vote today, Madam
25 President. And people are going to get hurt

1 and cuts are going to be done and health is
2 going to be suffering. Close to a billion
3 dollars cut in health.

4 So I hope that from here to Monday
5 the budget gets solved and we do something.
6 Because again, and I'm going to repeat myself
7 again, I'm very, very afraid that Monday
8 government will get shut down unless something
9 extraordinary, very extraordinary happens.

10 So I'm voting yes tonight.

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

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

15 Seeing none, the debate is closed.
16 The Secretary will ring the bells. We ask all
17 members to return to the chamber so that we
18 can vote on the bill.

19 Read the last section.

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

22 ACTING PRESIDENT SAVINO: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT SAVINO:

1 Announce the results.

2 THE SECRETARY: Those recorded in
3 the negative on Calendar Number 762 are
4 Senators Bonacic, DeFrancisco, Farley,
5 Flanagan, Fuschillo, Golden, Griffio, Hannon,
6 Lanza, Larkin, LaValle, Leibell, Libous,
7 Little, Marcellino, Maziarz, McDonald,
8 Nozzolio, Padavan, Ranzenhofer, Robach,
9 Saland, Seward, Skelos, Volker, Winner and
10 Young.

11 Ayes, 32. Nays, 27.

12 ACTING PRESIDENT SAVINO: The
13 bill is passed.

14 Senator Klein, that completes the
15 reading of the controversial supplemental
16 calendar.

17 SENATOR LIBOUS: Madam President,
18 is there any further business at the desk?

19 ACTING PRESIDENT SAVINO: No,
20 Senator Klein, there is not.

21 SENATOR KLEIN: There being no
22 further business, Madam President, I move that
23 we adjourn until Tuesday, June 8th, at
24 3:00 p.m.

25 ACTING PRESIDENT SAVINO: There

1 being no further business to come before the
2 Senate, on motion, the Senate stands adjourned
3 until Tuesday, June 8th, at 3:00 p.m.

4 (Whereupon, at 8:30 p.m., the
5 Senate adjourned.)
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25