

# **EXHIBIT E**

## **NYS Senate Debate Transcript of 4/3/09**

ACTING PRESIDENT VALESKY: The

11 Secretary will read Calendar Number 131.

12 THE SECRETARY: Calendar Number  
13 131, substituted April 1, Assembly Budget  
14 Bill, Assembly Print Number 151A, an act  
15 making appropriations for the support of  
16 government: Legislature and Judiciary Budget.

17 ACTING PRESIDENT VALESKY:

18 Senator DeFrancisco, on the bill.

19 SENATOR DeFRANCISCO: I just have  
20 a couple of questions. And if Senator Carl  
21 Kruger would respond to one of them and yield.

22 ACTING PRESIDENT VALESKY:

23 Senator Kruger, do you yield?

24 SENATOR CARL KRUGER: Yes, I do,

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1 Mr. President.

2 ACTING PRESIDENT VALESKY: The

3 Senator yields.

4 SENATOR DeFRANCISCO: Without  
5 going through the specific numbers, I've read  
6 publicly that Senator Smith indicated that the  
7 Senate legislative budget was going to be

8 reduced by 8 percent over last year.

9 Is that correct? And was that  
10 done?

11 SENATOR CARL KRUGER: Yes, it  
12 was.

13 SENATOR DeFRANCISCO: So it is  
14 correct, and it was done?

15 SENATOR CARL KRUGER: Yes.

16 SENATOR DeFRANCISCO: Thank you.

17 If Senator John Sampson, chair of  
18 Judiciary, could answer a question, I'd  
19 appreciate it.

20 ACTING PRESIDENT VALESKY:  
21 Senator DeFrancisco, the rules prohibit the  
22 chair from asking a member to yield to a  
23 question who has not spoken on the bill  
24 already.

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1 SENATOR DeFRANCISCO: All right,  
2 point of order. I used to, during the course  
3 of the prior proceedings, the Judiciary chair  
4 would always be available for questions --

5 ACTING PRESIDENT VALESKY: Excuse

6 me, Senator DeFrancisco.

7 Could we have some order, please,  
8 in the chamber. Shhh.

9 Thank you.

10 SENATOR DeFRANCISCO: Excuse me.  
11 Point of order.

12 I could always ask Senator Sampson  
13 to explain the judiciary budget, but I'm not  
14 so sure everybody wants to hear it. And all  
15 I'm requesting is that in lieu of that that he  
16 answer one area of questions for me. And if  
17 he consents, I think he could do that.

18 ACTING PRESIDENT VALESKY:  
19 Senator Sampson, do you consent to yield for  
20 Senator DeFrancisco?

21 SENATOR SAMPSON: Anytime for  
22 Senator DeFrancisco.

23 ACTING PRESIDENT VALESKY:  
24 Proceed, Senator DeFrancisco.

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1 SENATOR DeFRANCISCO: Thank you.

2 Senator Sampson, in the Governor's  
3 proposed budget there was a pot of money

4 designated for judicial salaries. And the  
5 understanding was out of the judiciary budget  
6 that was submitted by the judiciary and  
7 submitted by the Governor, that out of that  
8 money there was enough money available for a  
9 salary increase for the judiciary.

10 I understand that the language  
11 authorizing such an increase is not in the  
12 final budget; is that correct?

13 SENATOR SAMPSON: That's correct.

14 SENATOR DeFRANCISCO: All right.

15 Would he answer one last question?

16 ACTING PRESIDENT VALESKY:

17 Senator Sampson, do you continue to yield?

18 SENATOR SAMPSON: Of course.

19 ACTING PRESIDENT VALESKY: The  
20 Senator yields.

21 SENATOR DeFRANCISCO: In order  
22 for the judiciary to receive a salary increase  
23 from this budget, is it correct that there  
24 would have to be a separate bill authorizing

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1 such an increase separate and apart from this

2 budget?

3 SENATOR SAMPSON: That's correct,  
4 Senator. Through you, Mr. Chair, that is  
5 correct, Senator DeFrancisco.

6 SENATOR DeFRANCISCO: One last  
7 question, I'm sorry, just to be clear.

8 ACTING PRESIDENT VALESKY:  
9 Senator Sampson, do you continue to yield?

10 SENATOR SAMPSON: Through you,  
11 Mr. President, yes, I do.

12 ACTING PRESIDENT VALESKY: The  
13 Senator yields.

14 SENATOR DeFRANCISCO: Stated  
15 another way, the only mechanism for a judicial  
16 salary increase would be through a separate  
17 piece of legislation. And just because the  
18 same money is in the budget, that would not  
19 authorize, for example, the head of the Office  
20 of Court Administration or the Chief Judge of  
21 the Court of Appeals to simply grant an  
22 increase?

23 SENATOR SAMPSON: Through you,  
24 Mr. President, you are correct, Senator

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1 DeFrancisco.

2 SENATOR DeFRANCISCO: Thank you.

3 I have no further questions.

4 ACTING PRESIDENT VALESKY: Thank  
5 you, Senator DeFrancisco.

6 The Secretary will ring the bells.

7 I ask all Senators to proceed to the chamber  
8 for purposes of a roll call.

9 The Secretary will read the last  
10 section.

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

13 SENATOR SKELOS: Slow roll call,  
14 please.

15 ACTING PRESIDENT VALESKY: The  
16 Secretary will proceed with a slow roll call.

17 THE SECRETARY: Senator Adams.

18 SENATOR ADAMS: Aye.

19 THE SECRETARY: Senator Addabbo.

20 SENATOR ADDABBO: Yes.

21 THE SECRETARY: Senator Alesi.

22 SENATOR ALESI: No.

23 THE SECRETARY: Senator

24 Aubertine.

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1 SENATOR AUBERTINE: Yes.  
2 THE SECRETARY: Senator Bonacic.  
3 SENATOR BONACIC: No.  
4 THE SECRETARY: Senator Breslin.  
5 SENATOR BRESLIN: Yes.  
6 THE SECRETARY: Senator  
7 DeFrancisco.  
8 SENATOR DeFRANCISCO: No.  
9 THE SECRETARY: Senator Diaz.  
10 SENATOR DIAZ: Yes.  
11 THE SECRETARY: Senator Dilan.  
12 SENATOR DILAN: Yes.  
13 THE SECRETARY: Senator Duane.  
14 SENATOR DUANE: Yes.  
15 THE SECRETARY: Senator Espada.  
16 ACTING PRESIDENT VALESKY:  
17 Senator Espada, to explain his vote.  
18 SENATOR ESPADA: Thank you,  
19 Mr. President.  
20 As this is my last vote in this  
21 cycle of budget bills, many questions have  
22 been asked about the economic stimulus dollar,  
23 what to call it, where it is going, will it



24 stimulate, will it work.

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1                   And some of the exchanges have been  
2 fair. But just to be totally fair, when some  
3 of us go back home Monday, courtesy of  
4 Governor Paterson, who has given me permission  
5 to share this, \$253 million of the economic  
6 stimulus budget will be going -- to Senator  
7 Breslin, \$18.3 million. Monday, we will get  
8 to celebrate that. Senator McDonald,  
9 \$12.1 million in his Senate district. Senator  
10 Robach, \$4.7 million. Senator Robach again,  
11 \$6.3 million. Mr. President, \$24.5 million.  
12 And the list could really go on and will total  
13 \$253 million this Monday.

14                   And those opportunities and those  
15 stimuli will be present in every community.  
16 So for those who have not found the gold, for  
17 those who have not found the silver lining, it  
18 will be present. Look for it Monday in your  
19 districts and all year long.

20                   Thank you very much. I vote aye.

21                   ACTING PRESIDENT VALESKY:

22 Senator Espada to be recorded in the  
23 affirmative.

24 The Secretary will continue.

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1 THE SECRETARY: Senator Farley.

2 SENATOR FARLEY: Aye -- no.

3 (Laughter.)

4 THE SECRETARY: Senator Flanagan.

5 SENATOR FLANAGAN: No.

6 THE SECRETARY: Senator Foley.

7 SENATOR FOLEY: Aye.

8 THE SECRETARY: Senator

9 Fuschillo.

10 SENATOR FUSCHILLO: No.

11 THE SECRETARY: Senator Golden.

12 SENATOR GOLDEN: No.

13 THE SECRETARY: Senator Griffo.

14 SENATOR GRIFFO: No.

15 THE SECRETARY: Senator Hannon.

16 SENATOR HANNON: No.

17 THE SECRETARY: With unanimous

18 consent, Senator Hassell-Thompson voted in the

19 affirmative April 2.

20 Senator Huntley.  
 21 SENATOR HUNTLEY: Yes.  
 22 THE SECRETARY: Senator C.  
 23 Johnson.  
 24 SENATOR CRAIG JOHNSON: Yes.

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1 THE SECRETARY: Senator O.  
 2 Johnson.  
 3 SENATOR OWEN JOHNSON: No.  
 4 THE SECRETARY: Senator Klein.  
 5 SENATOR KLEIN: Yes.  
 6 THE SECRETARY: Senator  
 7 L. Krueger.  
 8 SENATOR LIZ KRUEGER: Yes.  
 9 THE SECRETARY: Senator C.  
 10 Kruger.  
 11 SENATOR CARL KRUGER: Yes.  
 12 THE SECRETARY: Senator Lanza.  
 13 SENATOR LANZA: No.  
 14 THE SECRETARY: Senator Larkin.  
 15 SENATOR LARKIN: No.  
 16 THE SECRETARY: Senator LaValle.  
 17 SENATOR LaVALLE: No.

18 THE SECRETARY: Senator Leibell.  
 19 SENATOR LEIBELL: No.  
 20 THE SECRETARY: Senator Libous  
 21 voting in the negative earlier today.  
 22 Senator Little.  
 23 SENATOR LITTLE: No.  
 24 THE SECRETARY: Senator

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1 Marcellino.  
 2 SENATOR MARCELLINO: No.  
 3 THE SECRETARY: Senator Maziarz.  
 4 SENATOR MAZIARZ: No.  
 5 THE SECRETARY: Senator McDonald.  
 6 SENATOR McDONALD: No.  
 7 THE SECRETARY: Senator  
 8 Monserrate.  
 9 SENATOR MONSERRATE: Aye.  
 10 THE SECRETARY: Senator  
 11 Montgomery.  
 12 SENATOR MONTGOMERY: Aye.  
 13 THE SECRETARY: Senator Morahan.  
 14 SENATOR MORAHAN: No.  
 15 THE SECRETARY: Senator Nozzolio.

16 SENATOR NOZZOLIO: No.  
 17 THE SECRETARY: Senator Onorato.  
 18 SENATOR ONORATO: Yes.  
 19 THE SECRETARY: Senator  
 20 Oppenheimer.  
 21 SENATOR OPPENHEIMER: Aye.  
 22 THE SECRETARY: Senator Padavan.  
 23 SENATOR PADAVAN: No.  
 24 THE SECRETARY: Senator Parker.

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1 SENATOR PARKER: Aye.  
 2 THE SECRETARY: Senator Perkins.  
 3 SENATOR PERKINS: Aye.  
 4 THE SECRETARY: Senator  
 5 Ranzenhofer.  
 6 SENATOR RANZENHOFER: No.  
 7 THE SECRETARY: Senator Robach.  
 8 SENATOR ROBACH: No.  
 9 THE SECRETARY: Senator Saland.  
 10 SENATOR SALAND: No.  
 11 THE SECRETARY: Senator Sampson.  
 12 SENATOR SAMPSON: Yes.  
 13 THE SECRETARY: Senator Savino.

14 SENATOR SAVINO: Yes.  
15 THE SECRETARY: Senator  
16 Schneiderman.  
17 SENATOR SCHNEIDERMAN: Yes.  
18 THE SECRETARY: Senator Serrano.  
19 SENATOR SERRANO: Yes.  
20 THE SECRETARY: Senator Seward.  
21 SENATOR SEWARD: No.  
22 THE SECRETARY: Senator Skelos.  
23 SENATOR SKELOS: No.  
24 THE SECRETARY: Senator Smith.

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1 SENATOR SMITH: Yes.  
2 THE SECRETARY: Senator Squadron.  
3 SENATOR SQUADRON: Yes.  
4 THE SECRETARY: Senator  
5 Stachowski.  
6 SENATOR STACHOWSKI: Yes.  
7 THE SECRETARY: Senator Stavisky.  
8 SENATOR STAVISKY: Yes.  
9 THE SECRETARY: Senator  
10 Stewart-Cousins.  
11 SENATOR STEWART-COUSINS: Yes.

12 THE SECRETARY: Senator Thompson.

13 SENATOR THOMPSON: Yes.

14 THE SECRETARY: Senator Valesky.

15 ACTING PRESIDENT VALESKY: Aye.

16 THE SECRETARY: Senator Volker.

17 ACTING PRESIDENT VALESKY:

18 Senator Volker, to explain his vote.

19 SENATOR VOLKER: Well, it's not

20 quite to explain my vote.

21 I just want to announce to the

22 members that today is the 10th anniversary of

23 the death of one of the great friends of those

24 people in this chamber, John Brendan Daly, who

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1 is the predecessor of George here, and he died

2 on April 3, 1999. I just wanted to tell

3 everybody to remind them.

4 I vote no.

5 ACTING PRESIDENT VALESKY: Thank

6 you. Senator Volker to be recorded in the

7 negative.

8 The Secretary will continue.

9 THE SECRETARY: Senator Winner.

10 SENATOR WINNER: No.

11 THE SECRETARY: Senator Young.

12 SENATOR YOUNG: No.

13 ACTING PRESIDENT VALESKY: The

14 Secretary will announce the results.

15 THE SECRETARY: Ayes, 32. Nays,

16 30.

17 ACTING PRESIDENT VALESKY: The

18 bill is passed.