

**Transcript Excerpt of Senate Floor Proceedings on Appropriations Bill S.2601:
Legislature & Judiciary, Tuesday Night, March 26, 2013**

*transcribed by Elena Sassower on March 27, 2013
to assist Assemblyman Katz and Assemblyman Buchwald
in being prepared for Assembly floor debate
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00:16:26

Senator Valesky: The secretary will read.

Secretary: Calendar number 274, Senate budget bill, Senate print 2601-A, an act making appropriations

Senator Valesky: Senator Gianaris why do you rise?

Senator Gianaris: Just because, we're dealing with a lot of bills tonight, I just want to clarify that this is the legislature and judiciary budget?

Senator Valesky: That's correct.

Senator Gianaris: Thank you.

Senator Valesky: Read the last section.

Secretary: Section 5. This act shall take effect immediately.

Senator Valesky: Senator Krueger.

Senator Krueger: Thank you. Uh, Mr. President, [unintelligible] – the budget reform law §54. It's a point of order on the bill, Mr. President. Thank you. We do have, unlike two nights ago, the reports on the fiscal year on our desks. But, also, the same law I was referencing the other night, requires that before voting upon an appropriations bill submitted by the governor, each house shall have on its desks not only the full report of such bill and then the full report on the entire budget, so my question is since this is an appropriation bill and it has aged more than three days, do we have a report on the bill on our desk?

Senator Valesky: Senator DeFrancisco.

Senator DeFrancisco: The answer to that question is yes. The report dealing with legislative and judiciary budget bill is on page 60 and 61 of the booklet entitled "Report on the Enacted State Fiscal Budget 2013-2014 --Executive Budget".

Senator Krueger: Through you, Mr. President. I want to thank the sponsor. I have a follow-up point of order for you. Um, is it not the requirement of the Senate that a memo be on our desk describing the substance of each bill? Is there a memo on this bill on our desk?

Senator Valesky: Senator DeFrancisco.

Senator DeFrancisco: I don't know what you define as memo. But there are 61 concise pages outlining each of the budget bills in this report. Whether this is called a report, a memo, or both, this satisfies the requirement that you just mentioned.

Senator Krueger, Through you, Mr. President. Thank you. Well, I accept that the "Report on the Enacted State Fiscal Year 2013-2014 Executive Budget" describes sections of each bill, and I accept, as my colleague just highlighted, that the sections on the legislative and judiciary bill are on pages 60 and 61, but I'm not sure I do agree that this is a memo to the bills because this simply talks about what is changed or is different in the budget bills, not the full details of the bills. So I'm not sure it does meet the standard of a memo on the bill. So I suppose it's a point of order and I'm asking you for your understanding of whether this meets the definition of memos on specific bills.

Senator Valesky: Yes, Senator Krueger, specific to your point of order, I believe that this bill is appropriately before the Senate and we are moving it forward under the controversial calendar. If you wish to appeal my ruling, you're certainly willing to do that.

Senator Krueger: No, I disagree with the ruling, but I won't appeal it. Thank you, Mr. President.

Senator Valesky: Are there any other Senators who wish to be heard? Seeing none, the debate is – I'm sorry, Senator Parker, on the bill.

Senator Parker: Thank you, Mr. President. Yes, on the bill. And I'll try to be brief. Where do you start with on a bill like this? There is so much wrong and I know this bill is dealing with primarily legislature and judiciary and in many cases, I don't have a particular problem with this bill. But I find this whole, both the process and this whole budget objectionable. The process is objectionable to have, again, this process with four men in the room, to not have, any of the leaders in the room, to have an afro-amerians, latinos, asians, or women involved in the process, is objectionable. To have a process in which the governor bullies us through a budget that doesn't have the things that are important for our communities in it, is objectionable... I vote nay...

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Senator Valesky: Thank you, Senator Parker. Read the last section. Secretary will ring the bells. Call the roll ...

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Secretary: Section 5, this act will take effect immediately...

Senator Valesky: Senator Kennedy to explain his vote.

Senator Kennedy: Thank you, Mr. President. I rise to support this portion of the budget...CASA, Court Appointed Special Advocates....

Senator Valesky: Senator DeFrancisco to explain his vote.

Senator DeFrancisco: Yes, since most of you in this room, sat through many of the budget hearings, I just want to mention some of the things that were in this budget that people advocated for and were changed from the Governor's budget. First of all, the legislative budget is flat, even though we have a 63rd Senator and additional cost because of that, it's flat. That also includes the Assembly, as well, it's flat. The Judiciary budget went up less than 1% and most of that was as a result of costs of pensions. With respect to, it was mentioned already, CASA was restored there was a lot of support among this Legislature for that. Also, there was an increase in funding for civil legal services that is funded by the Judiciary and other programs that we had requested. So, I appreciate the comments of Senator Kennedy. I know many others have argued on that same issue. And I think it is a great judiciary and an even greater legislative budget in these very trying economic times. Thank you, Mr. President, I vote aye.

Senator Valesky: Senator DeFrancisco votes in the affirmative Senator Gibson, to explain his vote.

Senator Gibson: Thank you, Mr. President. I rise in support of this bill, but I do, however, want to point out that it is now 9:45 in the evening. There is really no logical reason why we should have to be here at this hour of the night voting on these important bills that contain over \$142 billion's worth of decisions that we will have to make before the sun comes up. This is a vampire bill. I believe that we can do better. If we would support my vampire voting acts bill that I presented to this floor, there would no reason for us to be here now and our constituents who've had a long day's work and are now headed off to bed would be able to stay up and actually be a part of these important deliberations. Thank you.

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Senator Valesky: Announce the results.

Secretary: Calendar 274. Those recorded in the negative are Senators Espailat, Hoylman, Latimer, Parker, and Sampson. Ayes 55, Nays 5.

Senator Valesky: The bill is passed.

00:29:00

Secretary: Calendar number 276. Senate budget bill. Senate print 2606-D, an act to amend chapter 59 of the laws of 2011.

Senator Valesky: Senator Gianaris.

Senator Gianaris: I believe there is an amendment at the desk. I ask that a reading of the amendment be waived and that Senator Parker may be heard on the amendment.

Senator Valesky: Senator Gianaris, I have viewed the amendment that is at the desk. And rule it out of order. It attempts to direct appropriations. As such, it is an impermissible substitution under Article VII of the Constitution.

Senator Gianaris: Mr. President, I appeal from the decision of the chair and I ask that Senator Parker be heard on the appeal in order to explain the amendment.

Senator Valesky: Mr. Parker, on the appeal.

Senator Parker: Thank you, Mr. President....

00:32:17

Senator Valesky: Thank you, Senator Parker. On the appeal of the ruling of the chair, all in favor of overruling the chair, signify by saying Aye. Those in favor of overruling the chair, signify by raising your hand. Secretary will announce the results.

Secretary: Ayes 26.

Senator Valesky: The ruling of the chair stands.

00:33:00