ALBANY, NEW YORK

March 31,1993

12:50 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: Senate will come to order. Senators will please find their seats.

If you will please rise with me for the Pledge of Allegiance to the Flag.

(Whereupon, the Senate joined in the Pledge of Allegiance to the Flag.)

Today, in the absence of clergy, we will bow our heads for a moment of silent prayer.

(Whereupon, there was a moment of silence.)

The Secretary will begin by reading the Journal.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yes. I just got a call that said that they didn't think the bells are actually ringing in the LOB. If there's a mechanical problem, that I don't know.

ACTING PRESIDENT FARLEY: Yes,

that has been a problem. We've had it fixed. As a matter of fact, it has been fixed for about an hour. The communication system was broken over on some of the floors, not all of them.

SENATOR GOLD: Thank you.

ACTING PRESIDENT FARLEY: The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Tuesday, March 30. The Senate met pursuant to adjournment. Senator Farley in the chair upon designation of the Temporary President. The Journal of Monday, March 29, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand approved as read.

The order of business:

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from

state officers.

Motions and resolutions.

We have a substitution. Is that your pleasure?

The Secretary will read a substitution.

THE SECRETARY: On page 6 of today's calendar, Senator Wright moves to discharge the Committee on Consumer Protection from Assembly Bill Number 1959 and substitute it for the identical Calendar Number 354.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Are there any motions on the floor?

(There was no response.)

Senator Present, what is your pleasure?

SENATOR PRESENT: Mr. President. Let's go to the non-controversial calendar.

ACTING PRESIDENT FARLEY: Non-controversial. The Secretary will read.

THE SECRETARY: On page 11,

Calendar Number 184, by Senator Marino, Senate Bill Number 1892A, an act to authorize the city of Glen Cove, county of Nassau, to discontinue the use of and to sell certain park lands.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for the day. Continue on.

THE SECRETARY: Calendar Number 314, by Senator DeFrancisco, Senate Bill Number 3513, an act to amend the Real Property Tax Law, in relation to veterans' exemption.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number

329, by Senator Daly, Senate Bill Number 2642, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 337, Assembly Budget Bill, Assembly Bill Number 1350A.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Lay that bill aside temporarily.

THE SECRETARY: Calendar Number 360, by Senator Daly, Senate Bill Number 3222, an act to amend the County Law, in relation to appointment, promotion, and retention of

appointees of a county sheriff.

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

ACTING PRESIDENT FARLEY: Senator Present, what is your pleasure now?

SENATOR PRESENT: Let's go to the controversial.

ACTING PRESIDENT FARLEY: Controversial.

(Whereupon, there was a pause in the proceedings.)

SENATOR PRESENT: Mr. President. Can we take up Calendar 360?

ACTING PRESIDENT FARLEY: 360. Controversial.

THE SECRETARY: Calendar Number 360, by Senator Daly, Senate Bill Number 3222, an act to amend the County Law.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. If the sponsor would just yield to

one question?

ACTING PRESIDENT FARLEY: I'm sure he will.

Senator Daly.

SENATOR DALY: Yes.

SENATOR DOLLINGER: Senator, as I understand this bill, this bill with respect to Monroe County would permit the sheriff to continue the practice that he has had in the past of hiring and retaining and promoting deputy sheriffs. Is that correct?

SENATOR DALY: Yes, it is, Senator, as long as he is -- he must realize he is subject to the state constitutional requirement for merit and fitness. Yes, correct.

SENATOR DOLLINGER: So this would permit him to continue that operation. It is also my understanding, Senator, that the Monroe County sheriff is in favor of this bill, although there has been no bill memorandum and support memorandum from him. Is that also correct?

SENATOR DALY: Yes, he is.

SENATOR DOLLINGER: Thank you.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT FARLEY: That bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President. I think there will be times during the day when I think I will ask that we stand at ease. This is one of those times.

ACTING PRESIDENT FARLEY: I'm sure there will be times when we have to stand at ease. The Senate will stand easy.

(Whereupon, the Senate was at ease.)

ACTING PRESIDENT FARLEY: Senator

Present.

SENATOR PRESENT: Mr. President. Would you recognize Senator Kuhl, please.

ACTING PRESIDENT FARLEY: I recognize Senator Kuhl.

SENATOR KUHL: Mr. President. I would like to announce a meeting of the Senate Committee on Agriculture in the Senate Majority Conference Room, Room 332, at 1:30 this afternoon.

ACTING PRESIDENT FARLEY: The Senate Agriculture Committee under the direction of Senator Kuhl will be meeting in 332 at 1:30.

ACTING PRESIDENT FARLEY: Senator Present, do we have any other?

SENATOR PRESENT: That's the only announcement at this time.

ACTING PRESIDENT FARLEY: We will continued to stand at ease.

(Whereupon, at 1:02 p.m., the Senate was at ease.)

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Would you recognize Senator Holland, please.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: Thank you, Mr. President. There will be an immediate meeting of the Social Services Committee of the Senate in the Majority Conference Room.

ACTING PRESIDENT FARLEY: The Committee on Social Services will be meeting in the Majority Conference Room immediately.

(Whereupon, the Senate continued at ease.)

....At 3:48 p.m.....

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: I'd like to announce that there will be an immediate -- no, at four o'clock there will be a Finance Committee meeting in Room 332. Following a report from the Finance Committee, we will come back here and go into session.

ACTING PRESIDENT FARLEY: There will be a meeting at four o'clock, which is in 12 minutes, in Room 332. Following the Finance Committee meeting, there will be -- the Senate will come back into session.

SENATOR PRESENT: Thank you.

(The Senate recessed from 3:48 p.m. to 4:31 p.m.)

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, can we return to reports of committees?

ACTING PRESIDENT FARLEY: We certainly may. The Secretary will read a report

of a standing committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bill directly for third reading: Senate Bill Number 651-A, Senate Budget Bill, an act making appropriations for the support of government and to amend the Legislative Law, in relation to the appointment of Secretaries of the Finance and Ways and Means Committees, and certain committee resignations -- redesigna tions, excuse me.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: May the bill have its third reading now.

ACTING PRESIDENT FARLEY: The bill will have its third reading now. The Secretary will read the title.

THE SECRETARY: Calendar Number 380, Senate Bill Number 651-A, an act making an appropriation -- making appropriations for the support of government.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: I don't think we'll read the last section.

Senator Leichter.

SENATOR LEICHTER: Well, Mr. President, I believe there's some amendments that have been given to the desk.

ACTING PRESIDENT FARLEY: There are amendments, aren't there, Mr. Secretary? Hold on just a minute. We're looking for the amendments.

Senator Leichter, your amendments are here.

SENATOR LEICHTER: Yes, excuse me. Just one second.

Mr. President, the first amendment that we're going to bring up is an amendment that I am sponsoring, and I'll waive the reading and -- and -

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: I understand

copies of this amendment have not been served. Can we hold that until they are served?

SENATOR LEICHTER: Yes, and I apologize to you for that.

SENATOR PRESENT: And I accept your apology.

ACTING PRESIDENT FARLEY: Lay it aside. Lay the amendment aside temporarily, Mr. Secretary.

SENATOR LEICHTER: Mr. President. Yes, yeah. Mr. President. We can hold -- we can hold the amendments at this time and we can go into -- once again, I have occasion to thank the acting Majority Leader for his courtesy and cooperation. I believe that the amendment has now been properly served, and I'd like to move the amendment.

I don't know how they're identified, but it's an amendment that I am making, relating to the legislative budget since I think you have four amendments there. This is amendment to -

ACTING PRESIDENT FARLEY: I

thought we had three, but maybe you had four. We identify it as the Leichter amendment.

SENATOR LEICHTER: The Leichter amendment. Fine, thank you. It's a good iden ification for this amendment. This is the amendment that calls for an itemized legislative budget. I'm not going to spend much time on it because we've -- we've done this a couple times. We promised you, you're going to have a chance to do it again. I think you know the reasons for it.

It's very clear when we look at this particular budget, the legislative budget, that it says to the people of the state of New York that the Legislature can do pretty much as if damn pleases, and that the rules that apply to other branches of government and to other agencies don't apply to the Legislature.

We think it's wrong. We think that we're dealing here with public money and that the public has a right to know how its money is going to be spent and that we have an obligation as legislators when we vote on a

budget to understand what the appropriations are.

Now, nobody can maintain with a straight face that this is an itemized budget, as I understand it, as required by the legis... by the Constitution, and certainly as is required by good budgeting and proper practices.

I wouldn't spend any time talking about it, except I have the feeling that we'll be -- that we're gaining some converts. It was called to my attention that there was a bill introduced by Senator DeFrancisco and Senator Pataki and Senator Nozzoli', which actually calls for an itemized budget pretty much along the lines of my amendment and the bill that I put in and have put in these many years, and that we had a motion to discharge on and, in fact, somebody would say that they have taken my bill, which I'm delighted. I couldn't think of better sponsors for it, and I'm delighted, if anybody from the Majority would take the idea of an itemized legislative budget and took it and

saw that it actually became reality.

Now, the one difficulty I had with that bill is that it calls for an itemized budget beginning, I believe it's as of January the 1st, 1995. I don't know why we need to wait until January 1, 1995. Is it going to take two years to put together an itemized budget?

Now, let me just say I hope that's not a reflection on somebody -- what somebody thinks of Steve Sloan and how quickly he can put together an itemized budget. I've always found that he works quickly and efficiently, and I think that, if he was asked to do it, he could come up with an itemized budget in two days, not two years.

So I would say to my three colleagues on the other side of the aisle that they ought to join us now and say, We want an itemized budget, and there's no reason or excuse for delaying this. I don't think that anybody should say, Well, I'm in favor of an itemized budget some time in the future. If you want an itemized budget, the time is now. There's no

excuse for our not having an itemized budget at this time, and my amendment requires that we have an itemized budget not in 1995, not in 1994 -- now! Starting with the year 1993, fiscal year 1993-1994.

So, Mr. President, I move the amendment.

ACTING PRESIDENT FARLEY: On the amendment, all in favor say aye.

Yes, Senator Gold.

SENATOR GOLD: Will Senator Stafford yield to a question?

SENATOR STAFFORD: Sure.

ACTING PRESIDENT FARLEY: Senator Stafford.

SENATOR GOLD: Senator, there are people in the -- in the government who are looking this year for some guidance as to what to do in the future, and I'd like to ask the questions because they're not here to ask them and, as the chairman of the Finance Committee, I know you can be of great help to them.

SENATOR STAFFORD: I've always

tried to be a great help to anyone I could.

SENATOR GOLD: Yeah. Well, if next year the Motor Vehicle Department submits its budget to the Legislature in the form that we have submitted our budget in terms of the lumping together of numbers, will that be sufficient for the submission of their budget to us?

SENATOR STAFFORD: Well, I'd have to see exactly what they did.

SENATOR GOLD: Yeah. That's what they're going to do, Senator. Their budget is going to be as itemized or as lack of itemization as we have in our budget this year. Is that acceptable?

SENATOR STAFFORD: Of course, they would not have the requirement that public records be maintained. It would be -- you would have to take every case on its merits and again I'd have to see what they say.

SENATOR GOLD: Well, I'm telling you what they say, Senator. Their budget - well, let me ask you, if the Senator will yield

to one other question.

ACTING PRESIDENT FARLEY: Senator Stafford, would you yield to one other question?

SENATOR STAFFORD: Yes.

SENATOR GOLD: Senator, you are familiar with the Motor Vehicle Department budget as it was submitted this year, isn't that correct?

SENATOR STAFFORD: Well, I think that any of us find that we have to spend a lot of time on any of the budgets, that we want to be fairly familiar. I have reviewed it.

SENATOR GOLD: Yeah. Well, Senator, you're familiar with it, your committee, the committee you chair, which is next to the Rules Committee, I guess the most powerful committee we have, your committee -

SENATOR STAFFORD: Well, you and I know -

SENATOR GOLD: -- took that budget, and you held hearings on it and you're familiar with the budget, aren't you?

SENATOR STAFFORD: Well, first, I

don't know whether you talk about any of us being powerful, I think it's -- when you think you're powerful, you get into difficulty.

SENATOR GOLD: Well, Senator, I appreciate your making those comments, but I'm going to stick with it if you don't mind.

Senator, you held hearings, did you not, on the Motor Vehicle Department budget?

SENATOR STAFFORD: No, we did not.

SENATOR GOLD: You did not. O.K. What are some of the budgets that you held hearings on, Senator?

SENATOR STAFFORD: Well, now, let's try -- I was going to say Environmental Conservation, but we didn't, correct? Transpor tation.

SENATOR GOLD: Well, let's take Corrections. Are you familiar with the Correction Department budget?

ACTING PRESIDENT FARLEY: Now, Senator Gold, I'm going to ask that you refer your questions through the Chair.

SENATOR GOLD: Your point is well taken.

ACTING PRESIDENT FARLEY: There is not going to be a colloquy between the two of you.

SENATOR GOLD: Point is well taken, Mr. President.

ACTING PRESIDENT FARLEY: You don't have to yield any further.

SENATOR GOLD: Will the Senator yield to a question?

ACTING PRESIDENT FARLEY: Senator Stafford, are you willing to yield to another question?

SENATOR STAFFORD: Yeah.

SENATOR GOLD: Senator, you're familiar with the Corrections Department budget as it was submitted to the Legislature; is that correct?

SENATOR STAFFORD: I've reviewed the budget.

SENATOR GOLD: Yeah. Asking on behalf of the Commissioner, who is not here

today. Did they overwork, I mean did they use too many staff people; did they calculate their numbers and break them down too much; would it have been easier for the Legislature if their budget was, let's say, 25 percent of the size that they submitted it and less detailed as our budget? Did they overdo it?

SENATOR STAFFORD: I don't think they overdid it. I think it's really difficult for anybody to read a budget. I might add it's the Governor who submits it.

SENATOR GOLD: Yeah. We -- Mr. President, I -- thank you.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: You say it's the Governor but, as you know, Senator, the department prepares the budget, submits it to the Executive. They probably do some negotiation, and it comes up here. And my -- my question, Senator is, has -- is that budget more detailed than is required by law?

SENATOR STAFFORD: I don't think

it's more detailed.

SENATOR GOLD: You don't think so. You think that it is in -- when I say "more detailed than required by law," what I'm saying is, could that department have complied with existing constitutional law and submitted a budget which was, let's say, 50 percent of the size or 25 percent of the size and much less detailed? Could they have done that?

SENATOR STAFFORD: I'd have to see when they submitted. I couldn't do that.

SENATOR GOLD: All right, Mr. President. On the bill.

ACTING PRESIDENT FARLEY: On the bill, Senator Gold.

SENATOR GOLD: Yeah, on the amendment, I'm sorry.

ACTING PRESIDENT FARLEY: Well, yes.

SENATOR GOLD: Yeah, Mr. President.

I certainly appreciate skill. I think Senator Marchi had extraordinary skill in

not answering questions when he held that position. I think Senator Stafford follows in a fine tradition of Finance chairmen who will not answer questions, and I don't blame him. I mean, after all, a gentleman of Senator Stafford's stature does not run for public office to be embarrassed and, obviously, the answers would be embarrassing, and the reason they'd be embarrassing is very simple:

There is nobody in the executive branch of government that is going out of its way in order to go two and three and four times further in the preparation of a budget document than the law requires. They comply with the law, and that is why there is that detail, and the simple fact is that we do not comply with the law and, without mentioning names, I understand that there was a philosophical discussion among members of the Majority last night and a question whether certain tactics should stay the same or be changed, and I guess one of the positions that was raised is why should we change it? We -- and I'm paraphrasing

now -- we violate the law; we do this; we do that, but it works.

The press either doesn't understand it, which is my belief, or doesn't care, which would be much too callous of me to say, and they believe that an editorial here and there once a year gives them religion, which it obviously doesn't -- by the way, it's interesting. Does anybody from New York City who does not read the New York Times know that there were things happening in Russia last week end? You wouldn't know it from the New York newspapers because the biggest thing that happened in New York, according to the New York newspapers, was Mia and Woody. Interesting! And these are the people we're relying on to help us get reform.

At any rate, maybe you're right. Maybe the reason that, year after year, you get away with the fact that you violate the Constitution is because the press talks out of both sides of its mouth. You get an editorial here and there, but day in and day out they

allow you to violate that Constitution.

Even so, we take an oath to defend the Constitution, not to comply with what the press will let us get away with and, if we're going to comply with the Constitution, we ought to tell the people what we are doing with their money, and the first way to do that is to support Senator Leichter's amendment and the fight which he has so gallantly carried on all of these years.

ACTING PRESIDENT FARLEY: On the amendment, all in favor say aye.

SENATOR DOLLINGER: Mr. President.

(Response of "Aye.")

ACTING PRESIDENT FARLEY: Opposed, nay.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT FARLEY: Oh, I'm sorry. Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

Just on the amendment, my views

on the issue of itemized budget are probably well known to my colleagues. I'll just add one other little tidbit that maybe illustrates the need for an itemized budget in this house. Yesterday, unbeknownst to me, someone found in the Government Operations portion of the budget a $500,000 allocation for a LASER lab in the city of Rochester. I didn't know it was there; I guess maybe I should have done some more home work but at least someone could find it, tell me that it was there, and tell me that that might be a reason I should support the budget.

I guess someone else -- and I've read a newspaper account that someone went through and found out that the Boy and Girl Scouts in Nassau County are also going to get money out of that budget, because there was a line item in this that said that they would get money in the budget.

It seems to me that at least we have the specificity in other budgets that we lack in this one, and I'd just point out to my colleagues that, before we cast any stones at

anyone else in this government about how we spend money, about how we close facilities, about how we do all the things that are going to happen in this budget process, that before we cast any of those stones, we should look in our own house and find that we don't even have any pebbles; we don't have any -- any of the weapons, anything to throw because we haven't itemized our own budget, and I think it's a task that, as we look to the rest of this budget, we can't even itemize our own and find out where the money goes, how it's used on a line item basis.

We're -- if what we're doing by passing this legislative budget is setting a standard for how we're going to deal with the rest of the budgeting in this state, my colleagues, I'm afraid we're falling far short of any reasonable accounting principle or any reasonable budget principle, and it seems to me that we lose our credibility in pursuing the budget process further by not holding ourselves to a higher standard.

I'm in favor of the amendment, Mr. President.

ACTING PRESIDENT FARLEY: On the amendment.

SENATOR GOLD: Party vote in the affirmative.

ACTING PRESIDENT FARLEY: Party vote. Call the roll on a party vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes 26, nays 35, party vote.

ACTING PRESIDENT FARLEY: The amendment is not accepted.

Senator Halperin.

SENATOR HALPERIN: Mr. President. Yes, there should be an amendment at the desk that I have introduced.

ACTING PRESIDENT FARLEY: It's my understanding there is an amendment here at the desk.

SENATOR HALPERIN: I waive its reading and will explain it and, once again, since Senator Leichter was so brief in his

explanation, I somehow feel compelled to be brief in mine not because this is not an extraordinarily important issue but because we have been through it before and, unfortunately, we have not been successful with promoting the idea of quarterly reports.

As I've indicated in the past, it's not a novel idea and, in fact, it's sort of the next step after having a -- an itemized budget that we should know how we're actually expending the monies that we have appropriated, but even if we don't have the degree of specificity that we ought to have in an itemized budget, at the very least we should have the ability to determine after the fact how money has been spent, and that's the very purpose of this particular amendment.

Now, the idea, as I indicated, is not a unique idea. I hold in my hand a book of some several thousand pages, I believe. They're very detailed explanations of how members of the United States Senate have expended the public monies that have been given over to them, and

you can actually look in this book and find out to such a degree, which by the way my amendment would not even require, repairs to printers on different dates, one costing $65 or $95, or you can get individual vouchers for travel. All of this is listed on a quarterly basis in this report of the Secretary of the Senate.

Don't worry, Mr. Sloan, this is the Secretary of a different Senate, but it would be nice if you wouldn't have to be quite as big as this, but it would be nice if the Senate of the state of New York had a similar report.

Now, not only is this done by our national legislature -- and, by the way, I would point out that the House of Representatives has a similar disclosure requirement -- but there are other states in this country that have reports that really get to be a lot more specific than what we have -- where we have nothing specific at all, and I hold in my hand the Wisconsin State Senate Fiscal Year 1993 Monthly Expenditure Report. So they not only

report on a quarterly basis, they do it on a monthly basis.

Similarly, the House of Representatives of Georgia has a report done on a quarterly basis. It does not have the same degree of specificity as does the Congressional reports, but it certainly gives the public an opportunity to understand a lot more how their money is being spent.

So we're not coming up with any radical ideas here. New York is really supposed to be a leader. I believe that our Legislature probably spends more than most, if not all legislatures in this country, and that's not necessarily bad, but people should understand how we're spending that money and whether they're getting their money's worth. They're not going to know that if the existing circumstances continue where people just really have very little access to the ways in which we spend our money.

So I am once again offering this amendment. I would hope that this particular

time the members of this house would see the wisdom of it. I know that we seem to be getting some positive responses from members on the other side of the aisle, but these positive responses are usually accompanied by an excuse as to why we can't vote for this at this time, and so on, if it's not a bill; it's only an amendment. It's only a motion to discharge.

I think the time is now to vote for this. I -- I'm quite certain that, if the budget were to be amended to include this proposal, that the Governor would provide a message of necessity so that we could pass this budget by the end of the day and we could do it in a way that we could all be more proud of.

So I urge that all the members of this house join with me in voting for this particular amendment.

ACTING PRESIDENT FARLEY: On the amendment.

SENATOR GOLD: Party vote in the affirmative.

ACTING PRESIDENT FARLEY: Party

vote. Call the roll on party vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes 26, nays 35, party vote.

ACTING PRESIDENT FARLEY: The amendment is not accepted.

SENATOR JONES: Mr. President.

ACTING PRESIDENT FARLEY: Senator Jones.

SENATOR JONES: Yes, Mr. President. I believe you have another amendment up there.

ACTING PRESIDENT FARLEY: Yes, we do, Senator Jones.

SENATOR JONES: O.K. I will be as brief as my colleagues. In fact, mine is very simple and very brief. It deals, as you well know, with mailings, and two questions are answered, how many and when, and I read a quote today in the Syracuse Herald-Journal where I was happy to note that the Republican Senate is looking at this because "they feel that this is just nothing but a distraction." And I agree.

That's why I think it is just so simple that we put it into law, and that takes away the option of anyone out there, for us to criticize each other, for the press to criticize us or any of the citizen groups that have grown up in the past few years that are running around trying to count pieces of mail.

I personally would have a much higher level of comfort if I knew it's in the law. I can send out my newsletter and inform my constituents just as it's meant to do because there's very important things going on around here we want the public to know, but I would personally have a much higher level of comfort around this if I knew how many I had, that I was sending them out, did not have to be concerned about what people thought about that. I could run for reelection and not have anyone saying I did something wrong or something illegal.

This mailing is a good tool. We need the tool, but we just need to put it down in black and white what we're doing with it and that, I think, will relieve all of us of being

concerned about this and certainly take away the distraction, because I agree it is.

ACTING PRESIDENT FARLEY: On the amendment.

SENATOR GOLD: Party vote in the affirmative.

ACTING PRESIDENT FARLEY: Party vote. Call the roll on party vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes 26, nays 35, party vote.

ACTING PRESIDENT FARLEY: The amendment is not accepted.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I believe there's also another amendment in front of the -- up at the podium that deals with the Freedom of Information Act and its applicability to the budget.

ACTING PRESIDENT FARLEY: Yes, there is, Senator Dollinger.

SENATOR DOLLINGER: On the amendment, Mr. President.

ACTING PRESIDENT FARLEY: On the amendment, Senator Dollinger.

SENATOR DOLLINGER: This will probably also sound like the old broken record that my colleague from Monroe County has men tioned which seems to have that little annoying skip in it, and keeps repeating the same thing again and again and again.

Let me give it a new twist, an Oliver Twist. I guess I feel a little bit like I'm working the work of the "artful dodger" poised at the pocket of the taxpayer just about to put his little fingers into the taxpayers' back pocket and just about to lift the $170 million out of his wallet and all the while when someone turns and and says, "What are you doing there," the answer is, "Oh, I'm just taking your money but I'm not going to tell you what I'm going to go do with it."

It seems to me that the Freedom of Information Act is designed to tell the artful dodgers of the world that you just can't take the taxpayers' money, walk away with it and

not account to them and tell them what it is you're going to spend it on, whether it be mail, whether it be staff, whether it be personnel and committees and commissions and all the other things that are included in the lump sums in this very ambiguous budget document.

My suggestion is that the taxpayers of this state can no longer tolerate the "artful dodger" approach to spending their money. Put the "artful dodger" back in the 19th Century where he belongs. Give him a nice Dickensonian funeral, and open up the gates, open up, turn some light on in this government. Let's set a model for everyone in state government by letting the Freedom of Information Act apply to this body and this Legislature and consign the "artful dodger" theory of taxing people and not telling them how you spend their money to the 19th Century where it belongs.

In favor of the amendment, Mr. President.

ACTING PRESIDENT FARLEY: On the amendment.

SENATOR GOLD: Party vote in the affirmative.

ACTING PRESIDENT FARLEY: Party vote in the affirmative.

SENATOR PRESENT: Party vote in the negative.

ACTING PRESIDENT FARLEY: Party vote in the negative. Call the roll on a party vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes 26, nays 35, party vote.

ACTING PRESIDENT FARLEY: The amendment is not accepted.

Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President, on the bill. I wonder if Senator Stafford would be so kind as to yield.

ACTING PRESIDENT FARLEY: Senator Stafford, would you yield?

SENATOR LEICHTER: Senator, am I correct that the appropriations for the Senate for the year 1993-1994 begin on line 12 and

extend to the bottom of page 4; they begin on page 2, line 12, and extend to the bottom of page 4, line 46; is that correct?

SENATOR STAFFORD: What page is it?

SENATOR LEICHTER: We look at page 2 and we see line 11 says "the Senate" and then the text begins on line 12 -

SENATOR STAFFORD: I got it. I got it.

SENATOR LEICHTER: -- and continues for the rest of that page, and then we have page 3 and it continues all the way to the bottom of page 4 which, on line 46, has a final figure. Is that correct?

SENATOR STAFFORD: It appears to be the situation, yes.

SENATOR LEICHTER: Right. And within those pages of -- roughly two and a half pages, an appropriation of $62,845,000 -- I'm sorry, let me state that again, $62,845,094 is dealt with; is that correct?

SENATOR STAFFORD: That's right.

SENATOR LEICHTER: And, Senator, as I take a look at the general language on page 2 beginning on line 12, and I want to read some of the language, it says: The Temporary President of the Senate or his designate may authorize expenditures to be made from appropriations or reappropriations herein made to the Senate Finance Committee or to the allocable portion of an appropriation or reappropriation so made to a legislative counsel, commission or task force.

Am I right in understanding that that gives the Temporary President the power to allocate so much of that $62 million as Mr. - Mr. President.

SENATOR STAFFORD: We try to -

SENATOR LEICHTER: Let me just finish my question. -- the Finance Committee as well as to other commissions and councils, is that correct?

SENATOR STAFFORD: Would you ask the question again, please?

SENATOR LEICHTER: All right.

That -- that language I read gives the Temporary President the unfettered power, the discretion, to allocate money as he desires between commissions, councils, as well as the Finance Committee?

SENATOR STAFFORD: Mr. President, I would just point out to my colleague, who is also a part-time constituent of mine, that -

SENATOR LEICHTER: Happily so.

SENATOR STAFFORD: -- that he and I have been here in the Legislature a while, and I would point out that you get people elected from various Senate Districts, various Assembly Districts and part of what -- by the way, what you're saying is true for the Speaker too, Mr. President, and I would just point out that when you have a group of people like this that are really individually elected, hold office, you have to have a situation where you have a leader, and that's what you do, you elect a leader, and your leader has to make many decisions.

I will point out to you, Senator,

that, of course, things change -- change. When I first came to the Senate, I didn't like the seniority system. It's interesting how my attitude has changed through the years, and you have to have a system whereby you have a leader, and decisions are made.

Now, I would point this out, but we're different than most people, you included, all of us. We get elected. Then we elect a leader. We have to respond to the people. The leader has to respond to us. I think there is an accountability, and I think there has to be flexibility when you have either 61 Senators or 150 Assemblymen.

SENATOR LEICHTER: Senator, I take it, then, the answer to my question is yes and that you explain it on the basis of -- that democracy can't really function and work in a legislative body such as this, but that we need an autocracy, somebody with the divine right of leadership.

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Stafford.

SENATOR STAFFORD: This is why, very often, Senator Leichter and myself differ, even when we're at the Essex County Fair, when he's bringing his vegetables. He hasn't got into animals yet. And I shared with him what I thought was a definition of democracy and I, frankly, think it is, so obviously we disagree on what that means.

SENATOR LEICHTER: Senator, is it your definition of democracy that a legislative leader, granted who's elected by his fellow legislators, should be given the power to allocate $62 million as he wishes without there being any explanation in the budget, any guide, any standard as to how that allocation is to be made or, after the allocation is made, that there is to be any public accounting or release of information which sets forth the basis of the allocation; is that your definition of democracy?

SENATOR STAFFORD: Well, once again, your -- the length of your questions

sometimes confuses me, and I would only say again that, if we're going to have an effective government, we have to have a leader. He or she has to make the decisions and, as far as accountability, why, there are public records obviously in the Legislature and there are public records in the Comptroller's office.

SENATOR LEICHTER: Well, Senator, talking about public records, if we could just focus on that for a moment, if you would be kind enough to continue to yield.

ACTING PRESIDENT FARLEY: Senator Stafford, do you wish to continue to yield?

SENATOR STAFFORD: By all means.

ACTING PRESIDENT FARLEY: He continues to yield.

SENATOR LEICHTER: Yes. Could you define what public records there are which would allow me to determine how many mailings were sent out by the Senate Republicans, how many newsletters each member of the Majority sent out -

SENATOR STAFFORD: Everything -

publishing isn't, you know, specified. As far as mailings, I think we've had many, many discussions on that.

I find it very interesting. We seem to talk about mailings being so secret. How can they be secret when they go out? That's what I haven't figured out? I don't send mailings myself, not many.

SENATOR LEICHTER: Mr. -- Senator Stafford, if I live in Manhattan as I do, I don't get the mailings from Senator Tully or from Senator Goodman. Do I have, under your view of democracy, do I have a right to know how many mailings are sent out by Senator Tully?

SENATOR STAFFORD: Well, you don't want to know what I would do. Well, excuse me. My definition of democracy is obviously different than yours but, you know very well, when you want to talk practically here, you want to talk sense, which I try to do, you know that you can find out any mailing that goes out anywhere. In fact, I'll bring you a very interesting mailing I got last fall, if you want

to talk about mailings.

SENATOR LEICHTER: Senator, could you tell me how I can find out the number of mailings and the amount that was spent by Senator Tully and by Senator Goodman in the year 1992? Could you tell me that information?

SENATOR STAFFORD: If there are two individuals -

SENATOR LEICHTER: Let me just finish, Senator. If I could just finish. Excuse me.

Is that information available and, if so, would you tell me where I can get that information?

SENATOR STAFFORD: Well, if there are two individual Senators that can take care of themselves, it's Senator Tully and Senator Goodman. I suggest you ask them.

SENATOR LEICHTER: Senator, I think we're dealing here with a budget. I think when we have a budget, you don't say to people, Well, if you want to find out how much is being spent by the Department of Social Services, go

ask the Commissioner, if you can find the Commissioner, if the Commissioner is willing to answer.

I'm asking you, under your definition of democracy, do I, as a member of this body, have a right to know the allocations for mailings of other members of this body and, specifically, if I'm interested, as I am, in Senator Tully's mailings and Senator Goodman's mailings.

ACTING PRESIDENT FARLEY: Senator Leichter, I've been very patient, and this conversation that is going on between you and Senator Stafford is -- is very interesting, but unfortunately, you're supposed to address the questions through the Chair, and Senator Stafford has been very patient in trying to answer all of these questions, and, Senator Stafford, do you care to yield to that question?

SENATOR STAFFORD: Would you ask the question again, please?

SENATOR LEICHTER: Yes, sure. I'm sorry, Mr. President, and then I will direct

it through you.

The question I'm addressing to Senator Stafford is, can I find out the mailings of individual members and, if so, where can I find -- get that information?

SENATOR STAFFORD: Listen. Mr. President, I know that Senator Leichter is a good lawyer. Where did you go to law school? Where did you go to law school?

SENATOR LEICHTER: What?

Harvard.

SENATOR STAFFORD: He went to Harvard. He really understands the practice of law. Do you know that it would be entirely in error and in poor taste now for me to be talking about something that I believe is being adjudicated?

SENATOR LEICHTER: Senator, I - well -- I -- I'm sort of non-plused by your answer because I don't know what in the litigation possibly prevents you in discussing the budget for the year 1993-1994 and how much information is disclosed, from revealing if,

indeed, that information is available how many mailings individual members sent out and how many mailings were, for that matter, sent out in the year 1992 if we want to make a comparison.

SENATOR STAFFORD: Well, you're asking about other legislators now.

SENATOR LEICHTER: Fine. If you -- if you want me to, I believe the lawsuit refers to Senator Tully, right? Let's talk about -- let's talk about Senator Goodman.

SENATOR STAFFORD: Go ahead.

SENATOR LEICHTER: Can I find out -- Senator, under your definition of the - under your definition of democracy, can I find out the mailings that were sent out by Senator Goodman and what the total cost was for those mailings?

SENATOR STAFFORD: Senator, in our system, you know it and I know it, we are responsible, we have to make sure that we're responsible to the people. We conduct our majority, we conduct our majority and exactly what's available and what each person does or

does not do isn't specified in many areas.

Now, I understand exactly what you are concerned about, and I suggest that in a legislative budget, again, we have a majority. We have the minority. There are many areas where there's documentation and really, really as far as mailings, as I've said, I don't think anyone would have any difficulty finding out, you know, what mailings go out.

SENATOR LEICHTER: Well, Senator, I think you and I both know that indeed the in formation that I request is not available. It's for that very reason that there's a lawsuit and it's the refusal of the Majority to make that information available which has created the lawsuit, created the bad publicity for the Senate and particularly for the -- for the Majority, and I think you will have to concede that it is not possible, not only for a non-member but even for a member of the Senate to get that information.

Indeed, if a Senate -- if a Senator wanted to know the cost of the mailings

that that Senator sent out, he'd be unable to get that information; isn't that a fact?

SENATOR STAFFORD: Not necessarily.

SENATOR LEICHTER: Not necessarily. Senator, we had an example here, Senator Hoffmann said that she asked for information and she was refused that information.

Senator, let me ask you -- we'll get away from mailing.

ACTING PRESIDENT FARLEY: Senator Stafford, would you yield to another question, I presume?

SENATOR STAFFORD: By all means.

SENATOR LEICHTER: Thank you. You continue to yield, Senator.

ACTING PRESIDENT FARLEY: Yes, he's agreed to yield.

SENATOR LEICHTER: I appreciate that, good. Could you tell us -- could you tell us, Senator, whether it's -- in this appropria tion that we're talking about there are any

contracts to be entered into with outside consultants?

SENATOR STAFFORD: I think through the year there often are contracts.

SENATOR LEICHTER: Could you tell us the amount that is to be spent on that in comparison to the amount that was spent in the year 1992-1993?

SENATOR STAFFORD: De minimus.

SENATOR LEICHTER: Senator, I - I don't know what de minimus means. It means a lot of different things to people.

SENATOR STAFFORD: Very small, very small.

SENATOR LEICHTER: Senator, "very small" in a $62 million budget may be 3 or 4 or $5 million. Can you tell us the exact figure?

SENATOR STAFFORD: No, it's very small.

SENATOR LEICHTER: Senator, I think that's hardly a figure. Are you suggesting, Senator, that we -- that we budget and that we have budget bills that instead of

giving figures, we use big amounts, small amounts, modest amounts; we're appropriating modest amounts, de minimus amounts?

ACTING PRESIDENT FARLEY: Senator Leichter, again, you know, we keep slipping into this cross-examination and -- that you are directing at this conversation between you and Senator Stafford. It is beyond the rules of the Senate and it is -- I'm trying to be as patient with you as I can, and Senator Stafford has been very patient but, again, I'm going to ask you that you direct specific questions through the Chair.

SENATOR LEICHTER: Thank you.

SENATOR STAFFORD: The number of contracts, it appears, would be two small contracts that are on file.

SENATOR LEICHTER: And what is the amounts of those?

SENATOR STAFFORD: I can get you the amounts of those. I'll get you those amounts.

SENATOR LEICHTER: O.K. Can you

tell me, Senator, how much is being appropriated here for furniture?

ACTING PRESIDENT FARLEY: Senator Stafford, do you care to yield?

SENATOR STAFFORD: Well, again, you know, for these very specific items I'm sure the Senator could get that information. I don't have that exact information.

SENATOR LEICHTER: Mr. President, does Senator Stafford continue to yield? Would the Senator be so good as to advise me where one can get that information?

SENATOR STAFFORD: Well, I would say -- I would say actually, I would start at the various offices, the Comptroller's office, the offices here in the Senate.

SENATOR LEICHTER: Mr. President, if Senator Stafford will continue to yield.

ACTING PRESIDENT FARLEY: Senator Stafford, I presume you're going to yield.

SENATOR LEICHTER: Would you suggest that after I start with the Comptroller's office, I go to the offices of the

61 members and ask each of them -

SENATOR STAFFORD: I didn't say that, no.

SENATOR LEICHTER: Senator, can I go to the Secretary of the Senate and ask the Secretary how much is being spent on furniture?

SENATOR STAFFORD: I think we probably -- if we wanted to get that information, I think we could get it.

SENATOR LEICHTER: Mr. President, if Senator Stafford will continue to yield.

ACTING PRESIDENT FARLEY: Senator Stafford, would you yield for another question?

SENATOR LEICHTER: I'm trying to analyze your question. You said "if we wanted to". I don't know who "we" is. I want to get the information. If I go to the Secretary of the Senate and say, Please tell me how much is being appropriated for furniture in this budget of $62 million, can I get that information?

SENATOR STAFFORD: Well, first, you say you don't know who "we" is. That's myself, you, and our colleagues; you understand

that?

SENATOR LEICHTER: Now -- now I do.

SENATOR STAFFORD: And I'm saying if you wanted to get the information you needed, there are offices we could get that information. I'll be glad to take you there.

SENATOR LEICHTER: I'm sorry. I didn't catch your last words.

SENATOR STAFFORD: I said that, if you are serious and need this information, I'm sure I can take you to where we can find it.

SENATOR LEICHTER: All right. Mr. President, if Senator Stafford will continue to yield.

ACTING PRESIDENT FARLEY: Senator Stafford.

SENATOR LEICHTER: But as chairman of Finance at this moment, when we're asked to vote on the bill, you can't give me the information or tell me exactly where I can get it; is that correct?

SENATOR STAFFORD: You know, Mr. President, you know, this is really -- I suppose people are frustrated for various reasons, but obviously we have to depend on our staff; we have to depend on the people who work for us. Nobody's able to have the ability to stand up and say exactly, Here's what we're purchasing, here's what we did here.

I would say again, and I certainly have all due regard for Senator Leichter, I point out to him that we have the debate usually at the end of the session, on a certain subject every year, but all of this information is available, and we can get any specifics that we want to get from our colleagues and staff, and I assure you I would get any information that he needed.

SENATOR LEICHTER: Senator, I - if Senator Stafford will continue to yield one or two more questions, please.

ACTING PRESIDENT FARLEY: Senator Stafford, will you continue to yield?

SENATOR STAFFORD: By all means.

SENATOR LEICHTER: Senator, can you tell me how much is allocated to each of the standing committees of the Senate?

SENATOR STAFFORD: Well, each - each year it varies, Mr. President, and again, I don't apologize and never have for having a situation where you elect a leader. When the leader has to make many decisions, many would think that we should be able to come here to Albany and, 61 Senators, do what he or she want to do. If we did that, we'd be like certain other bodies, the one which was referred to earlier today, but again we do have a situation where the leader, together with the chairman of the committee, work out those details and it's done in a way that we get things done, and I would suggest that the other house here in our New York State Legislature is not that much different.

SENATOR LEICHTER: Mr. President, if Senator Stafford will continue to yield.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Senator, no one on this side of the aisle is in any way defending practices that we consider wrong in the Senate if they're being also done by the Assembly, and they are, and we're as critical of the Assembly which is run by Democrats as we are of the Senate which is run by Republicans.

It is our position that we have a right to know certain information on the budget that we're being asked to vote on, and I'm trying to see whether that information is available to us before we are asked to vote an appropriation of $62 million.

How can we determine the validity of this appropriation, if you or anyone else who wishes to explain this bill or stand up and defend this bill cannot answer questions of where that money is going for?

Let me ask you, we can't find out information about contracts. We can't find out the amounts for furniture. Let me ask you about employ... and we can't find out what allocations are being made to committees. Senator, can you

tell us the salary schedule for members employed by the Majority; is that set forth anywhere?

SENATOR STAFFORD: Well, again, Senator, you have been here a number of years. I believe you served in the Assembly also, and I think that you know that every employee and his or her records are public.

SENATOR LEICHTER: Senator, how many employees are scheduled to be hired by the Majority under this appropriation?

SENATOR STAFFORD: That's, once again, as I go back, what I explained earlier, you know, we could have a situation where we all did what we wanted, what he or she wanted to do but once again, you know, that goes back to the question earlier, that is determined working with the Senator, with the chairman and the leader's office.

SENATOR LEICHTER: Yeah, Mr. President, on the bill.

ACTING PRESIDENT FARLEY: On the bill.

SENATOR LEICHTER: First, I want

to thank my good friend and my -- he's not only my summer Senator, because I occasionally also go up to a wonderful vacation home that I'm fortunate to have in Essex County during winter time and he's always most courteous, most cordial, most helpful, and I appreciate that he's stood up on the floor. It's not a -- I think a task that anybody would happily do because the fact of the matter is that Senator Stafford -- and he's a terrific chairman of Finance, but he labors under the same disability that everybody in this house, which is that we're being asked to vote on an appropriation for the Senate of $62 million, and we're asked to vote an appropriation of the Assembly for $75 million, and we're being asked to vote for some other appropriations, joint Senate/Assembly appropriations; then we're being asked to vote for reappropriations for various legislative commissions. Total bill that the public has to pay of about $167 million, and I submit that the basic principle of democracy and proper government, Senator Stafford, is that you have

to understand what you're voting for. But if you can't get the information, if every question that you ask about how is money being spent is met with, "Well, why don't you ask the Comptroller," and "I'll try to find out some office where you can get that information," and "Well, Senator Tully's people know how much mail he sends out," Senator, I submit that does not give us as members the information that we need to cast intelligent votes.

Now, in part you and I went through a charade, and we went through that charade with Senator Tarky Lombardi when he was the chairman and Senator Marchi when he was the chairman, because you and I know what we're talking about and every member here knows what we're talking about, even those good new members who joined us for the first time in January of this year who are in their first term, that we have a budget that's a fraud. It's a disgrace. To appropriate this amount of money and not to itemize, to -- in two and a half pages for the Senate, to dispose of 68 million or $62 million

without any itemization or only the broadest categories, 3,000 -- three and a half million dollars for mailings, which interestingly is the same amount every year and as we've shown and it's not been refuted, you hoard that money in non-election years and then in election years, suddenly the spigot on mailings for Republican incumbents opens and, if I'm wrong, all that you have to do is, Steve Sloan tomorrow can come to me and say "Leichter, look, here's what we did. You were wrong."

I'll get up on this floor; I won't do it in Macy's window, but on this floor I'll apologize. I'll say, "Gee, that information was available and it was supplied." Instead, what do we get when we come out with these figures? We get statements by Mr. McArdle, and so on, "Oh, these guys are all wrong."

Well, if we're all wrong, open up the books. But the first thing you have to do is, before you ask us to vote on this sort of a budget, before any of you vote on this sort of a budget, you have to disclose how the money is

being spent, and there's absolutely nothing as far as the proper working of the legislative body, which requires that you give to one person this unfettered discretion and power to move monies around, to spend money as he or she wishes.

In fact, if you take a look what other legislative bodies do, our staff here did a very interesting comparison. The New York State Legislature appropriates per page $4,839,000. We can appropriate that on one page. In fact, it seems to me that that figure is low, but let's accept that figure.

In comparison, the Buffalo City Council, they need -- they need one page just to appropriate $92,000. That takes a full page. The Erie City Council, they need a full page for $268,000. Nassau County Board, it takes them one page of a budget bill to appropriate some $464,000, and so it goes on.

It's only the New York State Legislature that has these broad lump sum categorizations, this power to the Majority

Leader, or in the Assembly to the Speaker and let me say, while we're critical of the Assembly, at least the Assembly is now disclos ing information about mailings and that's an important step forward.

Let me -- let me say that, and it was well expressed earlier by Senator Gold, your attitude is, Listen, we can proceed with this undemocratic procedure. We can violate every form of good budgeting because we can get away with it. Don't tell us to do something that's right if we can get away with it. I don't think there's a single member here, and I know you all and I've respect for you all, and you're all decent people and you're intelligent people and you've come here with a goal of serving the public who would say to me, Leichter, I really believe this is the way you got to budget for a Legislature. It's the only way you can do it. You're wrong, Leichter. You all know that this is not the way to do it. You don't believe it's the way to do it, and in point of fact you can come out with an itemized budget and you can

maintain those powers that you have and you will elect more Republicans than were elected as Democrats.

You run this house. You can pass any budget that you want to. You can maintain those perq's that you think are important, those advantages and benefits and still have an itemized budget. Or are you ashamed of what you're doing and unwilling to let the public know, and even let your fellow members know and this includes members of the Majority who don't know how the legislative appropriations are going to be spent?

Sometimes I think that the only people more cynical than -- I don't want to say that we're cynical, but at times we do cynical things; this is a cynical budget. I'm sorry to use those expressions, but I guess maybe the only more cynical people here than those who put forth this sort of a budget and then try to defend it, are -- are the press.

You know, they'll go crazy if they find that some state agency misspent

$50,000 and maybe they should, because the public money ought to be protected. But here $168 million is appropriated in a few pages, lump sum categories. Everybody knows it's a fraud; it's a hoax; it's disgraceful, but you can't get any attention paid to this issue.

So we're going to keep on, on this floor, I shouldn't say maybe that there's no attention paid to it because there have been some stories and there have been some editorials on it, and I think that the public is beginning to understand and we're going to do everything that we possibly can to make the public understand this, not because we're looking for some political advantage.

Yes, I think there's a political advantage for us, but that's not what we're interested in. We're interested as members of this body who revere this body that we should not submit this sort of a budget, that we should not ask members to vote on appropriations of hundreds of millions of dollars or tens of millions of dollars or even if it was a million

dollars or even if it was one dollar, without our understanding what we're voting for and without the public being able to look at a document and say this is how that money is going to be spent. They spent it correctly or they spent it incorrectly.

We're not above the law. We should abide by the same principle that we apply to the Executive Budget, to the judicial budget. Take a look at the judicial budgets, in the same bill, and there we have a fair degree of itemization.

I just want to say people who say, Well, we can't vote this down because after all, you know, we have to take care of the judiciary and so on, we could easily receive this budget. We could easily have this legislative budget rewritten, put before us on a message of necessity and pass it.

I assure you government would not come to a standstill if you had to wait a couple days while this budget was being itemized. That's what we ought to be doing. We should not

pass a budget in this form.

ACTING PRESIDENT FARLEY: Senator Jones.

SENATOR JONES: Yes, Mr. President.

Would Senator Stafford yield to a question, please?

ACTING PRESIDENT FARLEY: Senator Stafford, would you yield to a question from Senator Jones?

SENATOR STAFFORD: Yes.

SENATOR JONES: And mine is a very simple one. You mentioned before that you have to rely on your staff. Well, as you know, being a new person here, I have to rely more on many of you. Before we spoke about the mailings I had people calculate if we all sent four what it would have come to, and it would have been a saving of three and a half to 4 million, but I guess now I'm confused.

Last year, the expenditure was 3,652,000 roughly, but this year I see you only have in here 3,500,000, so perhaps you've

already taken the cut that I've been talking about.

Could you tell me, does this represent a cut from last year and what is your present year for that item?

SENATOR STAFFORD: Well, first I want to commend you on your first year and you have a great future ahead of you. I've enjoyed the -- I enjoyed it.

SENATOR JONES: But you can't answer my question.

SENATOR STAFFORD: I would also say, as far as the figures you're talking about, I'm talking about -- I don't have them before me. If the number is less, if the number is less than the year before that would be a cut.

SENATOR JONES: Would the Senator yield to another question?

ACTING PRESIDENT FARLEY: Would you yield to another question?

SENATOR JONES: Well, then, in other words, I heard you say get the numbers from the Comptroller, so these did come from the

Comptroller, so I assume this 6 million must be correct.

SENATOR STAFFORD: I -

SENATOR JONES: For last year.

SENATOR STAFFORD: If that number came from the Comptroller, I'd have to look at it before I -

SENATOR JONES: Let's assume that is correct, so if I could find last year's budget, I would probably find this item, this amount as opposed to the 3 million that's here this year.

SENATOR STAFFORD: How much is this amount?

SENATOR JONES: This is 3,300,000.

SENATOR STAFFORD: And what's the one before?

SENATOR JONES: Last year you spent 6 million, almost, five hundred thousand?

SENATOR STAFFORD: I would have to look at the figures with you. I'm a bit familiar with this, and I'm not sure you have

the correct figure.

SENATOR JONES: Well, Mr. President, another question.

ACTING PRESIDENT FARLEY: Senator Jones.

SENATOR JONES: As you know, I'm not familiar at all with last year, Senator, so I'm just trying to learn here, you know, so maybe if someone does have that, if I could see what the number is last year.

SENATOR STAFFORD: By all means.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will Senator Stafford yield to a question.

ACTING PRESIDENT FARLEY: Senator Stafford?

SENATOR STAFFORD: Yes.

SENATOR DOLLINGER: Senator, as I understand the Finance Committee budget involves -- the legislative portion of this is about 167 million plus some minor change; is that correct?

SENATOR STAFFORD: I'd have to look; I believe so, yes.

SENATOR DOLLINGER: And it's my further understanding that that 167 million is the amount that the Legislature would be expected to spend between April 1st, tomorrow I guess it is, and a year from today; is that correct?

SENATOR STAFFORD: Well, I'll explain what a fiscal year is. That starts with April 1st and it goes to March 31st; that's what those figures are.

SENATOR DOLLINGER: So we're on the current day of the last fiscal year and we'll start a new one tomorrow.

SENATOR STAFFORD: Pardon me?

SENATOR DOLLINGER: We're on the last day today -

SENATOR STAFFORD: What's the date?

SENATOR DOLLINGER: March 31st.

SENATOR STAFFORD: So you see?

SENATOR DOLLINGER: So we start a

new fiscal year tomorrow.

SENATOR STAFFORD: Again -

SENATOR DOLLINGER: Through you, Mr. President. Would you yield to another question?

ACTING PRESIDENT FARLEY: Would you yield to another question?

SENATOR STAFFORD: I didn't answer the first question.

SENATOR DOLLINGER: I'll wait for the answer to the first question. I'm waiting for the first question.

What I'm trying to find out is the first -- the 167 million and change, it's my understanding that's the budgeted amount for the next fiscal year that we start tomorrow; is that correct?

SENATOR STAFFORD: Well, what it is, it starts on April 1st, tomorrow, and it goes to March 31st of 1994.

SENATOR DOLLINGER: Oh, O.K. And that's what we anticipate that this Legislature will spend, correct?

SENATOR STAFFORD: We're budgeting it. You always -- you anticipate everything you budget?

SENATOR DOLLINGER: Well, I'm simply trying to find out what that number represents. I'm trying to -- that's what we intend to spend.

SENATOR STAFFORD: Well, it represents the budget.

SENATOR DOLLINGER: That's the budgeted amount, what we anticipate to spend; isn't that correct?

SENATOR STAFFORD: Yes. The word "anticipated" I'm not sure is the exact correct word. It's the budget for the 1993-1994 fiscal year.

SENATOR DOLLINGER: But that's what we anticipate spending; isn't that correct?

SENATOR STAFFORD: It's budgeted and then, of course, it could be up, it could be down; you never know.

SENATOR DOLLINGER: Well, that's, I guess, my question but that's -- that's what

we sat down and said, that's what we need to run the Legislature in the '93 and '94 years; isn't that correct? That's what I assume the Finance Committee is referring to, through you, Mr. President.

ACTING PRESIDENT FARLEY: Yes, Senator Stafford.

SENATOR STAFFORD: I was referring to what?

ACTING PRESIDENT FARLEY: I wasn't sure of the question.

(Talking over.)

SENATOR DOLLINGER: Well, it was 167 million, Mr. President, through you, that we expect to spend in the next fiscal year; am I correct or incorrect?

SENATOR STAFFORD: Don't you see a budget more or less as a guide? Don't you find it that way? Do you have a budget in your business, you know?

SENATOR DOLLINGER: I'll accept it, Mr. President, but that's our guide for the next year is 167 million; isn't that correct?

SENATOR STAFFORD: And change, wouldn't you say?

SENATOR DOLLINGER: And change, isn't that correct?

SENATOR STAFFORD: Pardon me?

SENATOR DOLLINGER: Isn't that correct, that's what the anticipated expenses are?

SENATOR STAFFORD: We're back to "anticipated" now.

SENATOR DOLLINGER: Well, strike that, Mr. President, budgeted expenses.

SENATOR STAFFORD: Guideline.

SENATOR DOLLINGER: No. We're just voting on a guideline; is that correct, through you, Mr. President?

SENATOR STAFFORD: Didn't get it.

ACTING PRESIDENT FARLEY: Senator Stafford, I guess he's yielding. Are you yielding?

SENATOR STAFFORD: Oh, by all means.

ACTING PRESIDENT FARLEY: He says

that's a guideline.

SENATOR DOLLINGER: I think we've established that, Mr. President. What I want to ask is, and the point of my question is, if our guideline is 167 million, and that's what we budgeted for -

SENATOR STAFFORD: Right.

SENATOR DOLLINGER: -- why do we need $55 million of reappropriations over the top of that?

SENATOR STAFFORD: Well, you'll find -- you'll find that in -- really budgeting is a science. It's a science, and I assure you that I'm not as much of a scientist as I should be and, when you start talking about soft money and hard money and reappropriations, it's quite confusing, but then I think I can help you.

Usually a reappropriation is something that was not spent, so it's funds are there, but if you're going to be able to use them in the next fiscal year -- remember, fiscal year now was April 1st to March 31st, if you're going to be able to use those funds, they have

to be re-appropriated because, see they were appropriated once; so reappropriated means they are being appropriated again. They weren't used.

SENATOR DOLLINGER: O.K. Let me just ask another question through -

ACTING PRESIDENT FARLEY: Senator Stafford, would you yield to another question from Senator Dollinger?

SENATOR STAFFORD: By all means.

SENATOR DOLLINGER: Senator, are you familiar with the Legislative Commission on the Modernization and Simplification of the Tax Administration and the Tax Law?

SENATOR STAFFORD: Yes.

SENATOR DOLLINGER: And do you know how much they were budgeted for in 1992 and '93?

SENATOR STAFFORD: I don't have that right in front of me. I believe that was -

SENATOR DOLLINGER: Senator, I can tell you.

ACTING PRESIDENT FARLEY: He's still answering.

SENATOR DOLLINGER: Excuse me, Mr. President.

ACTING PRESIDENT FARLEY: Are you finished with your answer?

SENATOR STAFFORD: Yes.

SENATOR DOLLINGER: He's finished with his answer?

ACTING PRESIDENT FARLEY: He's finished with his answer.

SENATOR DOLLINGER: Senator, just for my colleagues' edification, I would say that figure from the budget document was $404,000 in the budget year and, in addition, it's budgeted at 404,000 in the current or in the future fiscal year. I shouldn't say "budgeted", perhaps "guided", Mr. President; is that the term we've agreed on?

ACTING PRESIDENT FARLEY: I only just direct who's got the floor.

SENATOR DOLLINGER: O.K., Mr. President.

SENATOR STAFFORD: Again, I hate to confuse anyone because it's so easy for me to be confused, but this is an Assembly commission so it's -- the details really would come from the Assembly.

SENATOR DOLLINGER: Well, I guess my question is -- my further question is, Mr. President, they were budgeted for 104... 404,000 but this year we're going to reappropriate $594,000. Where does all the extra money come from, through you, Mr. President. To the chairman of the Finance Committee?

SENATOR STAFFORD: Well, that's certainly good news. I don't know, I don't know how often -- we often hear that, but obviously what it would be, it would be funds not being spent over the years, so you actually end up with more, and whoever is involved in this commission, all of them are to be commended.

SENATOR DOLLINGER: Mr. President, just -- so my question to the chairman of the Finance Committee is, if they aren't spending money and we haven't -- we've

given them a guideline to spend some more but they didn't spend what we gave them last year, why should we continue them in existence and just not give that money back to the taxpayers so we can make them as happy as we are?

SENATOR STAFFORD: I urge, Mr. President, I urge my colleague to come to some of the Senate budget hearings, or Senate and Assembly budget hearings next year. Maybe you did, maybe you did this year, but budgeting is not an exact science. We don't know exactly what's going to happen in one year. You can have three years where you don't use too much, then you might be in a position where you needed more. I assure you, if we find too many of these, the money will be used very quickly.

SENATOR DOLLINGER: Mr. President, one more question to my colleague.

ACTING PRESIDENT FARLEY: Senator Stafford, I'm sure, will yield.

SENATOR DOLLINGER: Senator, you've been certainly in this Legislature far longer than I have, and my -- my question is, if

there were a state agency that you found had been appropriated or excuse me, guided for a certain dollar amount and then you found out that it only spent two-thirds of that amount, wouldn't your natural reaction, based on your experience in this Legislature, be to cut the agency back one-third since it could only spend two-thirds of the total amount you budgeted it for in the first place?

SENATOR STAFFORD: Well, once again, it would depend on -- Mr. President, it would depend on the facts. It would depend on what their responsibility has been, what it's going to be. You know, it's very easy, very easy. I found myself doing it, and I still do it, you know, you see something, you say this is ridiculous, doesn't make any sense. Very often when you look into it, you see why the money wasn't spent in the last couple of years, but why there may be a need for the money next year, and I have to share with you that the people that work with these numbers in the budget, Division of the Budget, and the -- and in the

Legislature, and in anywhere in government, you were in local government I believe, local government?

SENATOR DOLLINGER: I was.

SENATOR STAFFORD: Right. You found the same thing. You never know exactly, you know, what the next year is going to bring, and I suppose that, if I found an agency that had a -- had a billion dollars left over, I think I probably would say let's use it.

SENATOR DOLLINGER: Again, Mr. President, one other question through you.

SENATOR STAFFORD: It was my last question.

SENATOR DOLLINGER: Be my last question, Mr. Chairman.

To use the same analogy on the state budget, we're about to give or someone is about to give Governor Cuomo and the executive branch and the entire state government about $60 billion dollars or so, give or take some change, worth of authorization to spend money in the next fiscal year as you've described it, or I

should say guidelines to spend that; is that correct?

SENATOR STAFFORD: Now, wait a minute; say that again.

SENATOR DOLLINGER: Well, the budget battle that we're about to have, the budget discussion that we're about to have, the total spending budget number, the total authorized spending level would be somewhere in the neighborhood of $60 million -- $60 billion; isn't that correct?

SENATOR STAFFORD: It's the vicinity.

SENATOR DOLLINGER: If Governor Cuomo came back and said, Gosh, I only spent 40 billion of that and next year I want to reappropriate 20 billion, one-third of my total amount, is it safe to say, Mr. Chairman, that you as the chairman of the Finance Committee would recommend that the following year the guideline or the budget be reduced to the amount he actually spent, rather than that guideline number of 60 billion? Wouldn't you drop the

budget to 40 billion, and say this is money not spent and give it back to the taxpayers?

SENATOR STAFFORD: I suggest you go down to Governor Cuomo and try to get any money back. I'll tell you, it's such -

SENATOR GALIBER: Mr. President, a point of information.

ACTING PRESIDENT FARLEY: Senator Galiber, why do you rise?

SENATOR GALIBER: Is there a time limit on this? I try -- I've been opposed to cameras in the courtroom and CNN coming in, but is there a two-hour time limit?

ACTING PRESIDENT FARLEY: Yes, there is a two-hour time limit.

SENATOR GALIBER: Can you tell me how much time we have left?

ACTING PRESIDENT FARLEY: What time did this start?

SENATOR GOLD: Started at 5:30.

SENATOR DOLLINGER: In deference to -

ACTING PRESIDENT FARLEY: This

stimulating debate started at 4:36.

SENATOR STAFFORD: Mr. President, I have been very, very -- tried to be very, very patient and I will continue to be, and I'll stand and ask questions, as long as anyone wants to -- or answer questions as long as anyone wants to -- answer questions as long as anyone wants to ask them, but I suggest that Senator Galiber's point drives home a very sensible point.

SENATOR DOLLINGER: Mr. President, with that guidance from my two colleagues, I'll discontinue my questioning and I'd just like to to be heard on the bill for a brief point.

ACTING PRESIDENT FARLEY: On the bill, Senator Dollinger.

SENATOR DOLLINGER: It seems to me that the reason why I highlighted the Commission on Modernization and Simplification of the Tax Law is that we are about to violate a very modern and simple principle of taxing, and that is, when you don't need it don't tax for

it.

We're about to reappropriate 55 billion -- million dollars over the top of a $167 million budget. Anyone who thinks we're reducing legislative expenses, at least in the guideline principles of budgeting that I'm familiar with, is sorely mistaken. How we can justify this tax study commission which we appropriate, budget or guideline 404,000 for and they turn back into the state treasury as a reappropriation $594,000 and we don't examine what they did, how they did it, what they spent, what they spent it for, without itemized budget ing, without the kinds of reforms that we're talking about, we can't make any sense of this document.

I'd just submit that much like the artful dodgers I mentioned a minute ago, we're about to take money from the taxpayers and not account for it again.

ACTING PRESIDENT FARLEY: On the bill? Read the last section.

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT FARLEY: Hold on.

SENATOR PADAVAN: Mr. President, on behalf of the Majority Leader, can we lay this bill aside? And may we have any reports of standing committees?

ACTING PRESIDENT FARLEY: Lay the bill aside temporarily and a report of a standing committee will be read.

The clock stopped.

THE SECRETARY: Senator Goodman, from the Committee on Investigations, Taxation and Government Operations -

ACTING PRESIDENT FARLEY: Senator Galiber -- go ahead, I'm sorry.

THE SECRETARY: Senator Goodman, from the Committee on Investigations, Taxation and Government Operations, reports the following bill directly for third reading: Senate Bill Number 4064, by Senator Lack, an act to amend the Tax Law and Chapter 713 of the Laws of 1992 amending the tax law, relating to Suffolk County sales and use taxes.

ACTING PRESIDENT FARLEY: Without objection, that bill is reported directly to third reading.

Senator Padavan.

SENATOR LEICHTER: Mr. President, a point of order.

ACTING PRESIDENT FARLEY: Senator Leichter, what's your point of order?

SENATOR PADAVAN: Point of order. When was there a meeting of the Committee on Taxation and Investigations at which those two bills were acted on?

ACTING PRESIDENT FARLEY: Senator -- do we -

SENATOR PADAVAN: Senator Goodman is out of the chamber.

ACTING PRESIDENT FARLEY: I'll have to ask the acting Majority Leader.

SENATOR PADAVAN: Senator Goodman is not in the chamber at this moment in time, but we'll certainly try to reach out to him and get an answer to that question.

ACTING PRESIDENT FARLEY: As soon

as we can reach Senator Goodman, we'll try to get you an answer, Senator Leichter.

SENATOR PADAVAN: We can hold that report.

ACTING PRESIDENT FARLEY: Senator, just a moment, we have a slip at the desk with the votes of each member if you would be interested in that, and if I might, it was unanimously voted on by Senator Goodman, Senator Marchi, Senator Trunzo, Senator Maltese, Senator Skelos, Senator DeFrancisco, Senator Nozzolio, Senator Stavisky, Senator Onorato, Senator Mendez, Senator Smith and Senator Waldon. It was 12 to nothing. You might ask one of the other members.

SENATOR LEICHTER: I accept the bills; I asked when there was a meeting of the committee.

ACTING PRESIDENT FARLEY: That's all the desk has is the vote of the -

SENATOR PADAVAN: I'm sure it would be a valid vote of the committee; I would accept the committee report as read.

ACTING PRESIDENT FARLEY: The report has been accepted.

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT FARLEY: Senator Padavan still has the floor.

Senator Seward.

SENATOR SEWARD: Yes, if we could return to motions, on behalf of Senator Daly, on page 15, I offer the following amendments to Calendar Number 331, Senate Print Number 3370-A and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: The amendments are received. The bill will retain its place on the Third Reading Calendar.

Senator Present.

SENATOR PRESENT: Mr. President, I move that we recess subject to the call of the Majority Leader. I will advise all members to keep in contact with their respective offices or with the Senate telephone -

ACTING PRESIDENT FARLEY: The Senate will stand in recess. Senators are to

remain in contact with the -- with their offices and -- or with the Senate telephone operators. Senate stands in recess unless there's any other motions or business.

(The Senate recessed from 5:55 p.m. until 11:04 p.m.)

ACTING PRESIDENT FARLEY: Senator Present. Senate will come to order.

Senator Present.

SENATOR PRESENT: Mr. President, will you see if you can get a little order in this chamber, please.

ACTING PRESIDENT FARLEY: Let's have some order in the chamber, please. The conversations -- that's about as much as we'll get, I guess.

Senator Present, what's your pleasure?

SENATOR PRESENT: Mr. President, I'd like unanimous consent to suspend the rules and advance from the Second Report Calendar Calendar Number 359, Senate Bill 3986 out of its regular order to third reading.

ACTING PRESIDENT FARLEY: Secretary will read. Without objection, we're going to -- that bill is advanced.

Senator Present, there's a committee report here at the desk.

SENATOR PRESENT: Let's hear the committee report.

ACTING PRESIDENT FARLEY: The Secretary will read the committee report.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bill directly for third reading.

ACTING PRESIDENT FARLEY: Hold on a minute. All right. We'll try and be a little patient. It's late. There's a committee report and I would ask that there be a little bit of order in this chamber.

Secretary will read the committee report.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bill directly for third reading: Senate Bill Number 4245, by the Committee on

Rules, an act to provide for payments to municipalities and to providers of medical services under the medical assistance program and income maintenance program and making an appropriation therefor, directly to third reading.

ACTING PRESIDENT FARLEY: Without objection, directly to third reading.

SENATOR PRESENT: Mr. President, I ask that that bill have its third reading at this time. Is there a message of necessity at the desk?

ACTING PRESIDENT FARLEY: There's a message of necessity here at the desk. Yes, Senator.

SENATOR PRESENT: I move that we accept the message.

ACTING PRESIDENT FARLEY: All in favor of accepting the message, say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- ayes 56, nays 4, Senators Holland, Maltese, Padavan and Velella recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Also Senator DeFrancisco in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, what's your pleasure?

SENATOR PRESENT: It came that time that I mentioned earlier in the afternoon it's time to stand at ease for a while. We're going to stand at ease.

ACTING PRESIDENT FARLEY: The Senate will stand at ease.

(The Senate stood at ease from

11:08 p.m. to 11:49 p.m.)

ACTING PRESIDENT FARLEY: Senator Present. Senate will come to order.

SENATOR PRESENT: Mr. President, in behalf of Senator Levy, I'd like to announce there will be a Republican Conference at 12:00 o'clock in 332. That's midnight.

ACTING PRESIDENT FARLEY: Are we going to continue to stand at ease?

SENATOR PRESENT: Do as they like, Conference at 12:00.

ACTING PRESIDENT FARLEY: There will be a 12:00 o'clock midnight conference in Room 332 of the Republican Majority. The Senate will stand at ease.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yes, on behalf of -

ACTING PRESIDENT FARLEY: Hold on.

SENATOR GOLD: On behalf of Senator Mendez, I'd like to announce a

Democratic Conference at 11:59.

ACTING PRESIDENT FARLEY: The Democratic Conference will be meeting in their conference room at a minute before midnight.

(The Senate stood at ease from 11:50 p.m. until 12:30 a.m.)

ACTING PRESIDENT FARLEY: The Senate will come to order. Let's have a little order, so we can hear Senator Present.

Senator Present.

SENATOR PRESENT: Call up Calendar Number 337.

ACTING PRESIDENT FARLEY: Secretary will read 337.

THE SECRETARY: Calendar Number 337, Assembly Budget Bill, Assembly Print Number 1350-A, State Operations Budget Bill.

SENATOR PRESENT: I move we accept the message of necessity that's at the desk.

ACTING PRESIDENT FARLEY: All in favor of accepting the message of necessity, say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The message is accepted. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays 4, Senators Dollinger, Jones, Leichter and Pataki recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Take up Calendar 380, please.

ACTING PRESIDENT FARLEY: 380, Secretary will read it.

THE SECRETARY: Calendar Number

380, Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number 1351-A and substitute it for the identical Senate Bill 651-A.

ACTING PRESIDENT FARLEY: Substitution is ordered.

You can read the last section.

SENATOR LEICHTER: Where is a calendar? Could you just read the title of this bill, please.

ACTING PRESIDENT FARLEY: Secretary will read the title of the bill for Senator Leichter.

THE SECRETARY: Assembly Bill Number 1351-A, Assembly Budget Bill, an act making appropriations for the support of government and to amend the Legislative Law, in relation to the appointment of Secretaries of the Finance and Ways and Means Committees and certain committee redesignations, Legislature and Judiciary Budget.

ACTING PRESIDENT FARLEY: You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 380 are Senators DeFrancisco, Dollinger, Jones, Leichter, Pataki and Stachowski. Ayes 55, nays 6.

ACTING PRESIDENT FARLEY: That bill is passed.

Senator Present, that completes our agenda for this evening.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: How did Senator Marino and I vote on that last one?

ACTING PRESIDENT FARLEY: We voted in the affirmative.

SENATOR GOLD: You're O.K.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, in behalf of Senator Levy, I'd like to announce there will -- there'll be a Majority Conference tomorrow at 11:30, promptly at 11:30.

There being no further business, I -

SENATOR MENDEZ: Democratic Conference at 11:30, promptly, tomorrow.

SENATOR PRESENT: Well done.

ACTING PRESIDENT FARLEY: There will be a Republican Conference at 11:30 prompt in 332, and Senator Mendez says the Democratic Conference will also be prompt at 11:30 in their conference room.

Senator Present, do you have anything else for us?

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn to the call of the Chair tomorrow following the conferences.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned tomorrow at the call of the Majority Leader at -- after our

conferences.

(Whereupon at 12:34 a.m., the Senate adjourned.)