ALBANY, NEW YORK

June 7, 1994

2:20 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Members take their seats. Ask the members of the gallery to rise and join us in saying the Pledge of Allegiance to the American Flag.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

In the absence of clergy, I would ask that we all bow our heads in a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 6th. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. The prayer by Rabbi Murray Grauer of the Hebrew Institute of White Plains, New York. The Journal of Sunday, June 5th, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT KUHL: Hearing

no objection, the Journal stands approved as read.

Senator Present.

SENATOR PRESENT: Mr. President, I would like to call an immediate meeting of the Finance Committee in Room 332 and have the Senate stand at ease awaiting a report of the Finance Committee.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Senate Finance Committee in Room 332, the Majority Conference Room. The Senate will stand at ease.

(Whereupon, the Senate stood at ease from 2:21 p.m. to 2:50 p.m.)

The Senate will come to order. Members please take their seats. Go directly to reports of standing committees. Ask the Clerk to read.

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

Senate Bill Number 6451-A, by the Senate Committee on Rules, an act making an

appropriation for the support of government.

Senate Bill Number 8594, by the Committee on Rules, an act to authorize the local government assistance corporation to sell bonds during the state's 1994-95 fiscal year.

Senate Bill Number 8595, by the Senate Committee on Rules, an act to establish certain provisions related to the 1994-95 state operations aid to localities.

Senate Bill Number 8597, by the Senate Committees on Rules, an act to amend the State Finance Law, in relation to the annual submission of a capital program and financing plan.

Senate Bill Number 8598, by the Committee on Rules, an act to amend the Legislative Law and State Finance Law.

Senate Bill Number 8079, by Senator Tully, an act to amend the Public Health Law, the Executive Law and Chapter 731 of the Laws of 1993 -- excuse me, Senate Bill Number 8079-A.

Senate Bill Number 6425, Senate

budget bill, an act to authorizing the financing of local highway and bridge and rail and aviation programs.

Also, Senate Bill Number 8596, by the Senate Committee on Rules, proposing an amendment to the Constitution. All bills reported directly for third reading.

ACTING PRESIDENT KUHL: All bills reported directly to third reading.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Mr. President, I wish to call up Senator Volker's bill, Calendar Number 475, Assembly Print 9074-A.

ACTING PRESIDENT KUHL: The Clerk will read.

THE SECRETARY: Assembly Bill

Number 9074-A, an act to incorporate the Twin District Volunteer Firefighter's Benevolent Association.

ACTING PRESIDENT KUHL: Senator Farley.

SENATOR FARLEY: I now move to reconsider the vote by which this Assembly bill was substituted for Senator Volker's bill, Senate Print 6416-A and 531.

ACTING PRESIDENT KUHL: The Clerk will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 56.

SENATOR FARLEY: I now move that the Assembly Bill 9074-A be recommitted to the Committee on Rules and that Senator Volker's Senate Bill be restored to the order of third reading.

ACTING PRESIDENT KUHL: The Senate bill is recommitted. The Senate bill is restored to third reading.

SENATOR FARLEY: Offer the

following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

SENATOR FARLEY: On behalf of Senator Lack, Mr. President, I move that the following bill be discharged from its respective committee and recommitted with instructions to strike the enacting clause.

ACTING PRESIDENT KUHL: The bill is recommitted.

SENATOR FARLEY: On behalf of Senator Daly, I wish to amend Senate Bill 8303-A by striking out the amendments made on 6/3 and restoring it to its original print of 8303.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

SENATOR LEVY: Mr. President.

ACTING PRESIDENT KUHL: Senator Levy.

SENATOR LEVY: Can you star Calendar 607, Senate 71-A?

ACTING PRESIDENT KUHL: Sponsor's star is placed on Calendar 607.

Senator Present.

SENATOR PRESENT: Mr. President, I move that we adopt the Resolution Calendar, copies of which are on our desks.

ACTING PRESIDENT KUHL: The question is on the adoption of the Resolution Calendar. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Present.

SENATOR STACHOWSKI: Mr. President.

ACTING PRESIDENT KUHL: Senator Stachowski.

SENATOR STACHOWSKI: On the Resolution 3921, I would just like to make that one available to any members that would want to go on that.

ACTING PRESIDENT KUHL: Anybody

who wants to -- what resolution number is that, Senator?

SENATOR STACHOWSKI: 3921, honoring Lou Thomas from the steel workers, on the award he's receiving here tomorrow.

ACTING PRESIDENT KUHL: Any member wishing to be on Senator Stachowski's Resolution 3921 please signify at this time for the desk.

Senator Gold, you wish to be on the resolution also? Senator Mendez on the resolution also?

Senator Present, we've had such an outpouring of wanting to co-sponsor Senator Stachowski's resolution, would it be in order to put all members on the resolution except for those who don't want to be on?

SENATOR PRESENT: I believe it would.

ACTING PRESIDENT KUHL: Okay. All members will be placed as co-sponsors on the resolution except for those people who would come to the desk and signify that they don't

wish to be on the resolution.

Senator Mendez, why do you rise?

SENATOR MENDEZ: Mr. President, I have a privileged resolution on the desk. I'm requesting that its title to be read and for it to be offered for approval.

ACTING PRESIDENT KUHL: There is a privileged resolution at the desk. Senator Mendez, I'll ask the Clerk to read the title.

THE SECRETARY: Legislative Resolution, by Senators Mendez and LaValle, memorializing Governor Cuomo to proclaim Sunday, June 12th, 1994 as "Touro College Day" in New York State.

SENATOR MENDEZ: Thank you, Mr. President.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Let me get a message from Mr. Cornell for a minute.

SENATOR DeFRANCISCO: There's no need to have any comment on it.

SENATOR PRESENT: Mr. President, let's take up the non-controversial calendar.

ACTING PRESIDENT KUHL: The Clerk will read the non-controversial calendar.

THE SECRETARY: On page 6 of today's calendar, Calendar Number 348, by member of the Assembly McEneny, Assembly Bill Number 9781, an act to amend the Insurance Law, in relation to domestic mutual companies and non assessable policies.

ACTING PRESIDENT KUHL: The Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 478, by Senator Saland, Senate Bill Number 5881-B, an act to amend the Family Court Act, the Executive Law and the Criminal Procedure Law.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 731, by the Assembly Committee on Rules, Assembly Bill Number 11599, an act to amend the Banking Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 780, by Senator Goodman -

SENATOR PRESENT: Lay that bill aside for today, please.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 797, by Senator Sears, Senate Bill Number 7495-A, an act to amend the General Business Law and the Penal Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays 1, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 912, by Senator Levy, Senate Bill Number 6993-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays 1, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1125 -

SENATOR PRESENT: Lay that aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1144, by the Senate Committee on Rules, Senate Bill Number 6012-A, Racing, Pari-mutuel Wagering

and Breeding Law.

ACTING PRESIDENT KUHL: Read the last section.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Present, that completes the non-con... we have one additional bill.

THE SECRETARY: Calendar Number 1151, reported directly for third reading earlier today, by Senator Tully, Senate Bill Number 8079-A, an act to amend the Public Health Law, the Executive Law and Chapter 731 of the Laws of 1993.

ACTING PRESIDENT KUHL: The Clerk will read the last section.

THE SECRETARY: Section 62. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Present, that completes the non-controversial calendar.

Senator Hoffmann.

SENATOR HOFFMANN: I request unanimous consent to be recorded in the negative on 1151.

Thank you.

ACTING PRESIDENT KUHL: Without objection, Senator Hoffmann will be recorded in the negative on Calendar Number 1151.

SENATOR HOFFMANN: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Would you recognize Senator Gold, please -- Senator Mendez.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Mendez.

SENATOR MENDEZ: Thank you, Mr. President.

There will be an immediate

conference for the Democratic party.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Minority Conference in the Minority Conference Room, immediate meeting.

Senator Present.

SENATOR PRESENT: We'll stand at ease and those who want to sit can sit.

ACTING PRESIDENT KUHL: The Senate will stand or sit at ease.

(Whereupon, the Senate stood at ease from 3:14 p.m. to 3:59 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. Members please take their seats. Staff find their places. The Chair recognizes Senator Present.

SENATOR PRESENT: Mr. President, can we take up Calendar 1148?

ACTING PRESIDENT KUHL: The Clerk will read Calendar Number 1148.

THE SECRETARY: Calendar Number 1148, by the Senate Committee on Rules, Senate Bill Number 8595, an act to establish certain

provisions related to the 1994-95 state operations aid to localities capital project and debt service budgets.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity on 1148 at the desk?

ACTING PRESIDENT KUHL: I'm informed that there is, Senator Present.

SENATOR PRESENT: Mr. President, I move that we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity at the desk. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The Clerk will read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 56, nays 3, Senators Dollinger, Jones and Pataki recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: 1147, please.

ACTING PRESIDENT KUHL: The Clerk will read Calendar Number 1147.

THE SECRETARY: Calendar Number 1147, by the Senate Committee on Rules, Senate Bill Number 8594, authorizing local government assistance corporation to sell bonds during the state's 1994-95 fiscal year.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President,

is there a message of necessity for 1147 at the desk?

ACTING PRESIDENT KUHL: Senator Present, I'm informed from our Journal Clerk that there is a message of necessity at the desk.

SENATOR PRESENT: Mr. President, I move that we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce

the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1147 are Senators Dollinger, Hoffmann, Jones and Pataki. Ayes 55, nays 4.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR HOFFMANN: Could you tell me how I'm recorded on 1148? I believe I'm recorded in the negative.

ACTING PRESIDENT KUHL: Senator Hoffmann, you're recorded in the affirmative.

SENATOR HOFFMANN: On 1148? I was in the negative. Mr. President, with unanimous consent, please, make that correction.

ACTING PRESIDENT KUHL: Without objection, Senator -

SENATOR HOFFMANN: Thank you.

ACTING PRESIDENT KUHL: - Hoffmann will be recorded in the negative on Calendar Number 1148.

SENATOR HOFFMANN: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: 1144, please.

ACTING PRESIDENT KUHL: The Clerk will read Calendar Number 1144.

THE SECRETARY: Calendar Number 1144, by the Senate Committee on Rules, Senate Bill Number 6012-A, an act to amend the Racing, Pari-mutuel Wagering and Breeding Law.

ACTING PRESIDENT KUHL: The Clerk will read the last section. The Clerk has called Calendar Number 1144. It's on page 33 of your regular calendar.

Senator Dollinger has asked for an explanation.

Senator Stafford.

SENATOR STAFFORD: As you know, the racing industry is a quasi private sector activity here in New York, and this bill would allow jockeys to wear advertising or promotional material when the owner of the horse farm that the horse comes from for whom the jockey is riding provides written authority.

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

ACTING PRESIDENT KUHL: Senator Stafford, do you yield to Senator Dollinger?

SENATOR DOLLINGER: Who gets the revenue from the display of these materials?

SENATOR STAFFORD: This would be -- the benefit would go to the benefit of the jockey who was wearing the material.

SENATOR DOLLINGER: I didn't quite hear that, Mr. President. I apologize. Just for the jockey? The jockey would sell on his own silks even though he's wearing the owner's silks?

SENATOR STAFFORD: You might want to read this with me.

SENATOR DOLLINGER: I wish I had the bill, I would.

SENATOR STAFFORD: You don't have the bill?

SENATOR DOLLINGER: Okay. I've got it.

SENATOR STAFFORD: Senator, it would appear to me that possibly the owner and the jockey could get revenue here, but I think initially it's just the jockey.

SENATOR DOLLINGER: Okay. Mr. President, just on the bill. I guess the sport of kings is not the sport of -

ACTING PRESIDENT KUHL: Senator Dollinger, on the bill.

SENATOR DOLLINGER: -- all the other sports that will now have jockeys who will be decked just like our tennis stars and they'll all end up looking like the modified sports cars that race at Canandaigua with stickers and ownership and advertisers all over them. I guess this may be inevitable. I'll vote in favor.

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: I make this point. If I understand what -- just -- what was just said. You know, it would be nice if we

didn't need the free enterprize system, we didn't need the private sector to take in funds, because if we didn't have it, then you wouldn't have the state, you wouldn't have the services that we need here in the state.

Now, I see some of the racing, and it makes me want to go back to some of the activity that I did when I was younger, didn't know any better. But, on the other hand, these are products; there's a profit, and then, Mr. President, there's a tax, and that's what provides the state the locomotive to operate.

So I don't think we need sarcastic statements. I don't think we need wise statements. I think we've got to look at what we have here and realize that there is a private sector, and if people want to go to an activity, if they want to watch an activity and there is advertisements, then I would suggest - and their money is made, then there is a tax, this is where it all is.

Mr. President, I move the bill.

ACTING PRESIDENT KUHL: The Clerk

will read the last section.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: I wonder if I might ask -- I'm sorry. I wasn't in the chamber -- if this could be laid over until tomorrow? Is that possible?

ACTING PRESIDENT KUHL: Senator Stafford?

SENATOR BRUNO: Or temporarily today?

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

SENATOR STAFFORD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Present.

SENATOR PRESENT: Mr. President, that bill has been laid aside temporarily, and I would like to ask that Senator Marino's privi

leged resolution be read at this time, just its title.

ACTING PRESIDENT KUHL: There's a privileged resolution at the desk. We'll ask that the Secretary read.

THE SECRETARY: Legislative Resolution, by Senators Marino, Bruno and other members of the Senate, commending Dr. William C. Trigg, III, Executive Director of the Trooper Foundation of the state of New York.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Would you recognize Senator Smith, please?

ACTING PRESIDENT KUHL: Senator Smith.

SENATOR SMITH: Thank you, Mr.

President.

I believe I have a privileged resolution at the desk.

ACTING PRESIDENT KUHL: There is a privileged resolution at the desk, Senator Smith.

SENATOR SMITH: Thank you. I ask that its title be read and move for its adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: Legislative Resolution, by Senator Smith, honoring Margaret R. Smith upon the occasion of her retirement after 25 years of distinguished service with the New York City Board of Education.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Mr. President, once again may we stand at ease or sit at ease?

ACTING PRESIDENT KUHL: The Senate will stand at ease.

(Whereupon, the Senate stood at ease from 4:19 p.m. to 5:10 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. Members please take their seats. Staff, take their places in the chamber.

Senator Present.

SENATOR PRESENT: Mr. President, I understand there's a message from the Assembly at the desk.

ACTING PRESIDENT KUHL: Yes. We can return to messages from the Assembly. There is a message here. I'll hand it down and ask the Secretary to read.

SENATOR PRESENT: Good.

THE SECRETARY: The Assembly sent for concurrence the following bill: Assembly Bill Number 11865, by the Assembly Committee on

Rules, an act to provide for payments to municipalities and to providers of medical services under the Medical Assistance Program.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Can we have its third reading at this time?

ACTING PRESIDENT KUHL: Without objection, Senator Present, we'll move this to the third reading. Seeing no objection, it's to third reading.

SENATOR PRESENT: Mr. President, is there a message of necessity at the desk for 1154?

ACTING PRESIDENT KUHL: Senator Present, I'm informed by the Secretary that there is a message of necessity at the desk.

SENATOR PRESENT: Mr. President, I move that we accept that message.

ACTING PRESIDENT KUHL: Motion is on the resolution to accept -- or excuse me, motion is on the -- question is on the motion to accept the message of necessity at the desk.

All those favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The Clerk will read the last section.

Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays 2, Senators Holland and Maltese recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Sears, you wish to be recorded in the negative? Without objection, Senator Sears will be recorded in the negative on the last bill passed.

The Senate will come to order.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up Calendar 1152, please?

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1152.

THE SECRETARY: Calendar Number 1152, reported earlier today to third reading, Senate Bill Number 6425, an act to authorize the financing of local highway and bridge and rail and aviation programs.

ACTING PRESIDENT KUHL: The Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays 3, Senators Dollinger, Hoffmann and Jones recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, I would like to announce there will be a conference of the Majority at 9:00 p.m. in Room 332.

ACTING PRESIDENT KUHL: There will be a conference of the Majority at 9:00 p.m. this evening in the Majority Conference Room, Room 332.

Senator Present.

SENATOR PRESENT: Mr. President, I move that we recess until 9:00 o'clock.

ACTING PRESIDENT KUHL: The Senate will stand in recess upon the motion of Senator Present until 9:00 p.m. this evening.

(Whereupon, at 5:20 p.m., the Senate stood in recess.)

(Whereupon at 12:21 a.m., Senate reconvened.)

ACTING PRESIDENT KUHL: Senate will come to order. Members please take their seats; staff their places.

Senator Present.

SENATOR PRESENT: Mr. President can we take up Calendar 1146.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1146.

THE SECRETARY: Calendar Number 1146, by the Senate Committee on Rules, Senate Bill Number 6451A, an act making appropriations for the support of government.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Is there a message of necessity at the desk?

ACTING PRESIDENT KUHL: I'm informed by the Secretary there is, Senator Present.

SENATOR PRESENT: Mr. President.

I move that we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity. All those in favor, signify by saying aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The message is accepted.

Clerk will read the last section.

SENATOR GOLD: Hold on.

SENATOR PRESENT: Hold on.

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President. This is legislation that we consider every year, and of course this is the legislative and judicial budget.

I would point out, Mr. President, that I think this is fair to the Judiciary and the judicial operations and fair to the Legislature and the legislative operations.

I would point out, Mr. President,

that this budget at the present time is still 6 million under what it was four years ago. I think that's something that we should point out. Also, the salary increases, on the average, have been less than the other agencies of state government. I'm sure there are some within the sound of my voice that that does not excite, and we intend to be fair.

Mr. President. In this day and age, it sometimes is popular to promote the decrease in spending and saying it for the sake of saying it. I learned 29 years ago, when I ran for office the first time and the person I was running against wanted to cut this tax, eliminate this tax, cut here, cut there, so I just said, let's just cut all revenues including, for instance, motor vehicle fees and go on with it, and we also know that was completely ridiculous, and it's completely ridiculous to state that we do not need funding for our legislative and judiciary.

I, once again, would point out that this budget at the present time is 6

million under what the legislative and judiciary budget was four years ago.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Connor.

SENATOR CONNOR: Yes. Will the Senator yield for a question?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator Stafford do you yield?

SENATOR CONNOR: Thank you, Senator.

ACTING PRESIDENT KUHL: Senator Stafford yields.

SENATOR CONNOR: Looking through this budget, I -- well, I don't want to beat a dead horse, but I don't see a lot of itemization. So I'm really curious to know where the $6 million in savings from four years ago occurred. Can you tell me where that was?

SENATOR STAFFORD: Well, of course, that's really the overall appropriation. We are spending less. We're

spending $6 million less than we were four years ago.

SENATOR CONNOR: But -- will the Senator yield for another question?

SENATOR STAFFORD: Sure.

ACTING PRESIDENT KUHL: Senator Stafford yields.

SENATOR CONNOR: Perhaps I can rephrase. I can't tell from the budget where we are spending all these millions of dollars, but I would like to know where we're not spending the $6 million.

SENATOR STAFFORD: Well, I think that you would find that some is in salaries, some is in items, some cutbacks. It would be in just practically about every area.

SENATOR CONNOR: Okay. Thank you, Senator.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Mr. President. I believe there is two or maybe even three amendments at the desk that have been

served. And at this time, I would like to move an amendment which bears at the top the number 80258-01-4.

ACTING PRESIDENT KUHL: Senator Leichter, could you just give me just a minute to check -

SENATOR LEICHTER: Sure.

ACTING PRESIDENT KUHL: -- to see that that amendment -

That amendment is at the desk, Senator Leichter. Would you like an opportunity to explain that?

SENATOR LEICHTER: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: At this time, I would like to move this amendment, have an opportunity to explain it. I waive the reading.

Mr. President. My colleagues and friends here. If you will, the bill that we're considering now bears some resemblance to Dracula. You only see it at night, in the dark

of night. I guess if light were shed on this legislative budget -- much as happens to Dracula, who withers away.

In recent history in my experience, we only see this bill in the dark of night usually after the church bell has struck the hour of noon -- rather of midnight.

It can also be called a Dracula bill because as Dracula sucked blood from his victims, this bill sucks dollars from the taxpayers. And we're going to give you an opportunity by this amendment to deal with the two most flagrant, basic flaws in budgeting that exist in this state; and that is, one, the bloated nature of the legislative budget and, secondly, the lack of itemization which is a disgrace and should be an embarrassment to every member of this house, because you're voting on multi-million dollar appropriations without having the foggiest idea of how these appropriations are going to be spent.

So we've changed this. We're presenting you by this amendment a detailed,

itemized budget, a budget that conforms with the requirements of the State Constitution and a budget that conforms with appropriate and proper budgeting in having detail. It sets forth what is spent by whom in terms of staff, in terms of other than personal costs.

And what it does, in addition, and what should have an appeal to my friends on the other side of the aisle who would like to get up and talk about the need of cutting spending and helping the taxpayers, is that it reduces the budget for the Senate by some $41 million. Forty-one million dollars, if you take both the current expenditures in this budget, take the Senate budget of some near $70 million and take the reappropriations of about $14 million.

So that you have total expenditures in this budget -- which Senator Stafford did not address because he didn't address the reappropriations. That you have total expenditures here of some $80-85 million for the Senate which we are reducing.

We're reducing by cutting out all of the reappropriations of $14 million, and we're furthermore cutting the current expenditures by some $24 million, and we're going to have a Senate that is still going to be one of the best financed Senates, but it's going to be leaner. It's going to be more efficient. It's going to be more democratic. It's going to be less patronage ridden. It's going to be less political, and it's going to be a better service to the people of the State of New York.

SENATOR STAFFORD: I apologize for interrupting. I remember the last time I did. I said, "I don't usually do this." But it is getting to be a habit.

I was just asked this. If we're doing this, why don't we also do something about the $46 million reappropriate for the Assembly? It's not in here.

SENATOR LEICHTER: Senator Stafford, we have here the reappropriates of the Senate and the reappropriations joint expenditures for the Senate and the Assembly.

We here, obviously, can legislate for the whole state, but we're most intimately aware of what happens in our house.

Let me say that I personally earlier called for all reappropriations to be eliminated, and I have no problem with that. But what we're doing here, Senator, is to cut out the reappropriations for the house that we serve in.

SENATOR STAFFORD: I just wanted to make sure you didn't overlook it, that's all.

SENATOR LEICHTER: But, Senator, let me just say if you want to join in cutting out these reappropriations, I'm sure that everybody here would welcome the chair of the Finance Committee taking that leadership in fiscal responsibility.

And if the purpose of your question was to see if there would be support on this side of the aisle for getting rid of all reappropriations, I think you'll find overwhelming support.

Is that what I understood? Did

I -

SENATOR STAFFORD: Then I would just ask a further question. Why didn't you include this in your legislation?

SENATOR LEICHTER: Senator, for the reasons that I explained.

But, Senator, we can begin right now with the house that you and I serve in, and we can certainly set an example for the Assembly, and we'll see what they then do.

If I can understand your question as eliciting interest in getting rid of reappropriations -- and I take it because I know you to be a fiscally responsible person, and maybe later on we will have a chance to examine more closely into these reappropriations.

But, Senator, I don't think we need them.

SENATOR STAFFORD: Well, I was just going to say, I didn't want to see you - what are we, 15 percent of the reappropriations? And the other house has the other -- the balance. I thought you might want to make it

complete, that's all.

SENATOR LEICHTER: Mr. President. If I may continue, and I do get some hope from Senator Stafford's question because I think he feels uncomfortable, as I do and as all of us should, about reappropriations, which are very difficult to understand.

But let me address this in a more global sense to begin with. Senator Stafford got up and said, we're reducing expenditure. It's not as high as it was four years ago.

In the last ten years -- in the last ten years, the State Operations Budget from the fiscal year '84-85 to the fiscal year '93-94 increased by 39.8 percent. During that same period, the expenditures -- the expenditures of the Senate increased by 84.6 percent. More than twice the rate of state operations.

Now, state operations is primarily under the control of the Governor. Obviously, the legislative budget and particularly the Senate appropriations are under our control. Yet we've seen this much greater

increase in expenditures by the Legislature.

And, Senator Stafford, if you take a look not only at appropriations but you take a look at expenditures, last year the expenditures of the Senate were higher; and four years ago, they were also higher than you indicate because, certainly, two years ago there was a resort to reappropriation. So while the Senate -- well, the total legislative budget, I believe, was $167 million. In fact, the expenditure was close to $175 million because you dipped into what we have, and I think appropriately, called a slush fund.

Now, what we also do with this amendment is that we return to the taxpayers the $41 million that we're saving; $41 million representing elimination of the reappropriations and cutting the expenditure of the Senate roughly by 20 percent, and we're returning this to localities in the form of revenue sharing.

Now, we want to give you the opportunity to give substance to what I've heard so many of you on the other side of the aisle

say; which is, cut government spending, return money to the taxpayers. And that's what we are doing by this amendment, and it certainly ought to have your support.

And if it doesn't have your support, I can see somebody saying, "Well, wait a second, maybe you didn't mean it when you talk about let's cut government spending." It's always somebody else's spending but nothing is too good for the Senate. You would like to see the state operations run on a -- on such a cost efficient basis like a stripped-down Ford Escort; but when it comes to the Senate, a stretch limousine is what is appropriate. And we've documented over the years excessive expenditures, unreasonable expenditures, even improper expenditures -- improper expenditures when you take a look at mailings that were sent out on behalf of Republican incumbents running for re-election, mailings that far exceeded the permissible amount of mail that was to be sent. It's time to end the scam. It's time to end what is really a disgrace. It's time to be

honest with the taxpayers. It's time to be honest in our budgeting, and this amendment gives you the opportunity to do it.

I just want to go just a little bit into some of the details so you appreciate what this does. As I've said, it eliminates the reappropriations.

Let me just say, about the reappropriations, reappropriations generally are for capital expenditures or for programs that extend over a number of years. It is unheard of to have reappropriations of millions and millions of dollars for current expenditures. If we didn't spend the money, we ought to return it. There's no explanation whatsoever. There's no backup sheets which are provided in all other instances where a state agency or departments has a reappropriation.

I think the reappropriation for the judicial is something like $250,000. The reappropriation for the Senate alone -- for the Senate and joint Senate and Assembly expenditures is $14 million.

Now, the reappropriations for state agencies are set forth in the budget bills. There's backup materials. The reappropriations for the Legislature are hidden from the public. They are not made available until the legislative bill comes out on the day that we vote on it.

Now, there is a Legislative and Judicial Budget Bill that is sent up by the Governor, has no reappropriations in it whatsoever. But when we finally get the A print, then we see the reappropriations.

And what's the reason? What's the purpose? What is the need, other than to have money for the legislative leaders to dip in whenever they feel there is a need as there apparently was in the 1993-1994 year, when the reappropriation was utilized to the extent of about $7-1/2 million.

You know, I've been getting up and arguing against the legislative budget and voting against it and urging that we change it because it really dishonors us. It is false.

It cannot be defended. It is a disgrace.

And let me just say we may have differences among us, the two sides of the aisle and even within each side of the aisle; but one thing I truly believe in is that this legislative chamber consists of very dedicated, honest men and women trying to do a job. So what do we gain, really, except the momentary advantage of being able to pull this fiscal chicanery by having this sort of a Legislative Budget; and whatever that gain is, we lose much more in dishonoring this institution.

We can't continue to say to the Judiciary and to the Governor, "Tell us exactly how you spend your money and we're going to be really careful watchdogs," but when it comes to our budget, anything goes. It's wrong. It's wrong. It's wrong, and we ought to put an end to it, a stop to it.

None of it is going to change the division of powers in this chamber. You adopt our amendment, and you are still going to be the majority and you are still going to be able to

function as a majority. We're not trying to stay away your political power, which obviously is based on the fact you've got 35 members, we have 26. But what we do here is to treat each member with the same dignity and right because we all represent roughly the same number of constituents. They are all entitled to the service.

We recognize there are committee chairs, and the committee chairs will be given more staffing, more authority. That's appropriate. But what is not appropriate is to have some member here receive a staff allowance of over a million dollars, which is the case, and other members receive a staff allowance which is a quarter of that. And this budget changes that.

Another thing that is inappropriate is to permit mailings for the majority that far exceed the rules and that, indeed, end up being a form of campaign financing. The only difference between this campaign financing and the campaign financing

that the Assembly has passed is that your campaign financing is only for incumbent Republican Senators. That's wrong. It's unnecessary, and we reduce, by this amendment, the mailing budget by close to $800,000.

In all, we reduce the Senate personnel service by almost $7 million, 14 percent cut. We reduce the Senate nonpersonel service by over $2-1/2 million, a 14 percent cut. The Senate maintenance undistributed is reduced by $2 million, 100 percent cut. And the Senate share of legislative commissions is cut completely, 100 percent, over $4-1/2. We don't need those commissions. We have standing committees. They are well staffed. Let them do the work.

Mr. President. My colleagues. I just want to tell you that we can go and we can complain about, "Oh, the Governor is spending too much," but this budget is under our control. And I have it on the highest authority that if we reduce the amount in the legislative budget provided for the Senate, the Governor

will sign it. He has no objections to it. He will welcome it. He will welcome if we here reduce the burden on the taxpayers.

And let me tell you, the increases that we've had in the legislative budget is our responsibility. It's not Mario Cuomo's fault. It is the fault of the Senate Republicans. But it is a fault that you can cure right here and now. Right here and now, you can vote for this amendment. You can send out a newsletter. You may not have as much money left for newsletters, but you can send out a press release saying to your people, "I have done what I told you I wanted to do. I have cut government spending. I have cut it where I can control it, right here, my own expenditures in the Senate.

So, my colleagues and friends, let's do this. Let's do the right thing. Let's cut the spending. Let's return the money to the localities. And let's, for once, present the people of the State of New York with an honest legislative budget.

ACTING PRESIDENT KUHL: Senator Gold on the amendment.

SENATOR GOLD: Thank you, Mr. President.

Mr. President, first of all, I really want to congratulate Senator Leichter and also Senator Dollinger and the people who worked on this, because this is a very difficult job, coming up with this amendment, and I'll tell you why. If you are in the majority and you have access to all of the numbers the way you do, that's one thing. And from our point of view, we have had to, led by Senator Leichter, reconstruct. Because to say that there is a lack of cooperation in giving numbers would be the understatement of the year.

At any rate, we have put forward what is not only reasonable but the results of legitimate hard work. Senator Stafford interrupted Senator Leichter with a question, a legitimate question and, Senator Stafford, I would like to give you my own kind of answer.

In the last ten years, if you

take a look at the Senate and you take a look at the Assembly, we in this house have been responsible for increasing our budget 84 percent while the Assembly in the same period of time has increased by 50 percent. So, Senator, we have more to account for to the people than the Assembly.

And my job tonight is not to defend the Assembly or attack the Assembly. My job is to show the people I represent that my approach to financing government is an honest approach.

Now, we're saying, Senator Stafford, that if in the next fiscal year, the one we're entering, we need extra money, then we're going to come here like every state agency, openly, honestly, and say we need something in a deficiency budget, but we're not going to reach into the back pocket as has been done before.

And as Senator Leichter pointed out so well, one of the biggest lies that comes out of this place is if anyone tells the

constituency that we passed a budget last year and lived within that budget because we weren't in a deficiency. Everybody knows how we got that money.

We are 60 days late with the budget, and we come in with something which really is hypocritical, the height of hypocrisy. Yesterday, in our Finance Committee, we had presented to us a budget that was 139 pages followed by pages R-1 through R -- I think it was 791, detailed page after page. People would read through and say, "Where is that construction project? Where is the money to fix the doors in the school? Where is the money to do this and that?"

And when we had the bill in Finance today, I asked the question - obviously, tongue in cheek -- after I got these few pages, "Where are the R pages?" Where are the additional pages? And we don't do it, and we ought to be ashamed, and it's enough.

Things are allowed to change. It is legitimate to improve. And the amendment

offered by Senator Leichter really is that major opportunity.

Now, I know, Senator Leichter, that you are in for a major surprise because I was watching television a week ago and I saw one member on the other side of the aisle who has some interest in public office, not necessarily even in this house, saying how, my God, this process has to change. It's got to open.

And I was looking at this person and saying, my God, that speech must have been written by Senator Leichter.

So, Senator, I guess you let it out of the bag, but I assume that we're getting some help from the other side because I know that there is certainly nobody running for major office on the other side who would make a statement on public television about what the budget ought to be and then, when faced with the ability to make in a work after all the years of voting against those reforms, I'm sure, Senator Leichter, you are in for some pleasant surprises.

I hope this budget passes. I think it would be stunning as far as the people of the state is concerned. As a matter of fact, I think it would be stunning for everybody in government, and we ought to seize that opportunity.

ACTING PRESIDENT KUHL: Senator Dollinger on the amendment.

SENATOR DOLLINGER: Mr. President. I have sat in this seat for the last 60-plus days while a budget deliberation process went on, one that I understand was difficult for the participants, one that involved very significant issues for the people of this state. But my understanding is that it came down to a couple million dollars here, $10 million there, $20 million there, and it seems to me unbelievable that we would sit here tonight with a proposal from Senator Leichter put together by the task force, which we had to pry out the information we couldn't get from our colleagues on the other side of the aisle, but yet we have very good news. I think it's

wonderful news. Absolutely spectacular news.

The spectacular news is we found a way to run this house for $41 million less than it took last year. We've got $41 million more, 750,000 per member in this chamber. Go back to your school districts and tell them that we can give them $750,000 more in education aid. We can give $750,000 more in each Senate district for aid to localities, whether you want to give it to towns or counties, whatever you want to do.

We've got the ability to run this operation and yet save $41 million. Think of what it could do for tax cuts in this state if we've got $41 million more that we can give back to business. Think of what it would do for local governments. Think of what it would do for education. Think of the textbooks that it would buy.

It seems to me that I have been told by my colleagues from the other side of the aisle, a number of conversations, we ought to run government like a business. I submit to you

that not one of you as a business person would walk out the door to run a $160-80 million operation like we run here with a budget like we've got on the desk before us. No, the first thing that you would do as a reasonable business person is you'd want itemized budget expenditures so you'd be able to handle the accounting and find out who is spending money, who isn't spending money, where is it going, are you getting dollar value for it.

All those good business decisions that all the business people in this chamber would like to be able to make, you can't make them with this budget because we're not running this house like a business.

It seems to me that Senator Leichter is correct when he points out that this is the one part of the state government where we are the executive, where we have the ability to make all the decisions about who gets to do what, how it gets done, how much it costs, when it gets done. We are the executive in our own house; and it seems to me, all those times other

members of this house have said, "We're going to tell the Governor what to do about his departments, about how he should save money," this side of the aisle has brought up a proposal which says, "In our own department, in our own house, we can save $40 million in the next year."

We can't ignore that. We can't ignore that money. It's the taxpayers' money. We don't need it to run this operation. We can save it. It seems to me that the old adage of fiscal conservatism starts best where? In your own house, when you treat the other people's money just like you treat your own.

Why don't we start that trend of fiscal conservatism. If that's what we want to do, let's start it right in this house. Let's run this house the way you would run your own house back at 123 Edgeview Lane, where I live, or anybody else lives. Let's sit down with the checkbook. Let's itemize the expenses. Let's save the money where we can save it, and give it back to the people who sent us here. It's $40

million. It's $40 million that can be saved by bringing economy and efficiency and fairness, kicking politics out of our government and bringing about a system that will share the resources equally and give to each member of this house what they need to service their constituents and handle the problems that come before them.

It seems to me, Mr. President, this is not only an eminently reasonable amendment, it's the standard upon which everything should operate in this state. It's the standard that we apply to every other department in this state, but for some reason we don't apply it here. I suggest that that's because once every two years we have to run for re-election, because politics gets in the way of our better sense, and whatever fiscal conservative we believe in we want everyone else to practice it but ourselves.

I suggest that we set the trend here, that we start here, that we commit ourselves to running this place efficiently and

fairly and then we'll be able to look with integrity at the rest of this state and demand that they do as well.

I'd just point out I come from a local government. We spend hours upon hours upon hours counting small expenditures, deciding whether to buy more cars, which cost $20,000 a piece. We would have debates about how many to buy. We talked about -- fighting over thousands of dollars, little tiny amounts of money for specific programs. If you gave me $40 million when I was in the county legislature, I would have been overwhelmed. I wouldn't have known how to deal with that amount of money, because we counted every penny.

We here in state government have apparently forgotten how to count our own pennies that we have in our own pockets. No wonder the people out there see our pockets stuffed with money. We're not behaving responsibly with it.

The way to start is with an itemized budget, cut the expenditures, do it the

way business would do it. Do it the way local governments do it. Do it the way the people expect us to do it.

We worked very hard to put all this together. It makes a lot of sense. It makes sense for the people of this state, and we ought to do it, Mr. President.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT KUHL: Senator Connor. Senator Galiber.

We have a list. Senator Connor, we have a list.

SENATOR CONNOR: All right. Fine, then put me on the list.

ACTING PRESIDENT KUHL: Senator Connor, go ahead. Senator Galiber yields to you.

SENATOR CONNOR: Mr. President. I support this amendment. But I can't help even looking at the bigger picture. I have here the Legislative and Judicial Budget, and I have read it from cover to cover. It's only 30-some pages. That's wonderful to find a budget bill I

can read from cover to cover.

I didn't learn very much reading it from cover to cover. It doesn't tell me very much. Even as Senator Leichter and Senator Gold were speaking, this bill was passed out, and I dare say I can't conveniently read it from cover to cover. It's printed on both sides. I suspect we will be given a short recess and be held to the vote on a budget embracing literally thousands and thousands of items.

But I just flipped through like this, and I saw items as little as $2500 spelled out where that $2500 goes. Looking here, there's 5,000, 10,000, different items, and it tells me exactly where they are going. And were the process to be other than it is, I would enjoy having a couple days to review this and make a considered decision on whether or not to vote for all this money.

But here we are in the middle of the night and faced with this, these two extremes: A Legislative and Judicial Budget which we actually got some hours ago which tells

us nothing because there is no itemization; and a detailed Local Assistance Budget that we get at 1:00 o'clock in the morning and we'll probably be voting on at 2:00 o'clock in the morning and that I dare say a speed reader would have a difficult time ascertaining all that's in it.

So we now find ourselves confronted with a budget process, and it's no secret in this state that it's broken. It doesn't work. We are very, very late in the process. It hasn't worked. I don't think there is a voter in this state that thinks, "Gee, don't we have a great budget system." They may have thought that back when Al Smith introduced the executive budget system. Nobody believes it today. Why? Is there something wrong with the way it's spelled out in the Constitution? I don't think so. There is something wrong with the process that allows politics to overcome common sense, that allows political considerations to override governmental and fiscal considerations, that results year after

year in the political brinksmanship that we see time and time again, and, again, that leads us here in the middle of the night.

And I think the place to begin changing this is right here in our own house. And I dare say, Senator Leichter's amendment is the dagger, is the stake, if you will, is the stake to be plunged into Dracula's heart.

The people, by the way, they want this. It's not 40 years ago when the Legislature spent a few thousand dollars and it didn't amount to much, and it was convenient. I have looked at old legislative budgets. I mean, you know, there's a couple thousand dollars for clerks in it and a couple thousand dollars for some secretaries and maybe $1500 for a court reporter, and it's all spelled out in there years ago. It all amounted to but a few thousand dollars and no one fussed or bothered about whether or not it was sufficiently itemized.

Today, it's a lot of money. The people are watching. They have a lot of

legitimate questions about how we conduct our own business, and we owe it to this institution. We owe it to ourselves politically, by the way, to answer the people's questions, and there is nothing wrong with that, but we have a higher obligation to this institution of the Senate not because we sit here, not because we draw our paycheck here, but because it is the people's Senate. It is the bedrock of our representative government, and we owe it to that institution that's more than 200 years old to ensure that the people have confidence in the way their legislature conducts its business, conducts their business, the people's business. And we fail if we don't meet that responsibility.

The time has come, leaving aside what happened in the past. The time is here now to put together a legislative budget that will reassure the people that this body knows exactly how it's conducting its business.

Mr. President. I intend to support this amendment.

ACTING PRESIDENT KUHL: Senator Galiber on the amendment.

SENATOR GALIBER: Yes, thank you, Mr. President.

Senator Leichter, will you yield for a question?

ACTING PRESIDENT KUHL: Senator Leichter, do you yield?

SENATOR LEICHTER: Yes, sir.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GALIBER: Senator Leichter, in your amendment if and when -- or when it does pass here, how much money are we talking about, for savings, that is?

SENATOR LEICHTER: Senator, we're talking a total savings, if you include the reappropriation and reduction of recurred expenditures, we're talking $41 million. Now, 14 million of that will not be a recurring savings but the $25 million will bring the Senate spending, not only for this year but in future years, down. So that while we're saving

$41 million this year, we're going to be saving monies in all the years stretching out into the future.

SENATOR GALIBER: Senator, will you yield for another question?

ACTING PRESIDENT KUHL: Senator Leichter, do you continue to yield?

SENATOR LEICHTER: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GALIBER: Senator, is your amendment suggesting that the $41 million savings be put into the legislative budget or be utilized by our overall budgeting process? For example, the $41 million that you project for this year, could it be used for local government? Could it be used for revenue sharing.

SENATOR LEICHTER: Senator, that's precisely what it does, is returns this money to the localities. Each one of you is going to be able to go back to your locality - you, Senator Bruno, can go back, and you can say

tomorrow, "I have returned, I have brought to my community..." -- I guess it would come out to about 700 -- maybe around $750,000, Senator, that will go not to state agencies but will go directly to your community, Senator. And I know because you speak very strongly very passionately about reducing government spending and at the same time helping localities, and this will do that in one fell swoop, and you will be able to say, "I have done it in the most honorable, selfless manner imagineable. I cut my own expenditures."

SENATOR GALIBER: Thank you, Senator.

Senator Stafford, would you yield for a question, too.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GALIBER: Senator, from a different perspective I support my amendment and

congratulate, first of all, the task force who has brought some light to this body. We have paid collectively a dear price in one form or another as a result of your excellence and your industry in terms of your task force.

SENATOR STAFFORD: Are you asking me whether I agree with that or not?

SENATOR GALIBER: No, not yet. I will ask you later on.

So I want to take that opportunity.

Now back to the question, Senator. Senator, this year's revenue sharing, do you know how much money is appropriated this year for revenue sharing?

SENATOR STAFFORD: I believe we'll get the budget out here in the next bill, and I think we'll find it. We'll get it for you.

SENATOR GALIBER: Senator, if I suggest -

SENATOR STAFFORD: Approximately $50 million.

SENATOR GALIBER: $50 million? Senator, do you know what the revenue sharing was in 1988-89 here? That's a loaded question. Let me get a little more -

Back in 1988-89 -- it's not a loaded question. But '88-89, what percentage of our income, personal income tax was attributed to revenue sharing?

SENATOR STAFFORD: Do you mean what did the Senate, controlled by our majority here, pass?

SENATOR GALIBER: Well, we passed it, yes.

SENATOR STAFFORD: Right. Right. It was much more than what that -

SENATOR GALIBER: Much more than what, Senator?

SENATOR STAFFORD: Than what I just said.

SENATOR GALIBER: What did you say, Senator?

SENATOR STAFFORD: It was more.

SENATOR GALIBER: Is that more or

less than what you said before.

SENATOR STAFFORD: More.

SENATOR GALIBER: Okay. Mr. President. Just so that we won't get into - ahead of ourselves, let me say Mr. President, that I come from a different perspective, or at least on this particular amendment. I'm in favor as I mentioned before.

But I say to you, Senator, and thank you for your informed answers, that back in 1988 and '89 that revenue sharing was 8 percent of our personal income; and at that time, the revenue was 1.23 billion. Back as it stands now from this year, we were down to $492 million in revenue sharing.

What I'm suggesting is that this year we might very well be adding some additional money into revenue sharing, some $37 million in the proposed budget for this year, which will bring it up to about 492 million. What I'm suggesting is if we add the 20 million in this amendment, we will now have $529 million in revenue sharing.

Revenue sharing is one of the most important things to local government. We've heard a great deal discussed here in this body about how we can help local government. We have gone through the process of suggesting taking over Medicaid, and that's fallen by the wayside; or we have used Band-Aids, if you will, to help local government.

We have worked out formulas where with a pool of money, I suspect, in this year's budget, some local persons will receive up to about 7 percent increase. Some will receive absolutely nothing.

As a result of your reapportionment plan, I inherited a small plot of Westchester County called Mount Vernon. I fell in love with Mount Vernon because it's a small, small city where little bits of money makes a difference. Last year, we asked for a million dollars -- a million dollars. Some have suggested that might very well be a member item to somebody on the other side of the aisle. Certainly not here. Couldn't get it.

And now we find that there's special formulas for some group of cities throughout this great state of ours. Mount Vernon is not included. Wouldn't we have to disspell with this notion, the charade that we go through, if we hit on an area where nobody but nobody could object.

We remember back in 1988 and through 1992 and '93. The revenue sharing, as I mentioned before, was cut from the 8 percent to 1.65 percent of personal income. That 1.5 cut represents the difference between a 1.23 billion and 492 million that we share.

And this was right after, if you recall, that the Governor of this state had suggested back in 1986-87, when we were anxious -- anxious, if you will, to cut income tax. The Governor in his wisdom told us that we should not go that route, but we didn't pay any attention to him, and we did just that.

And right after '86-87, right after, we were hit with two periods of recession. We haven't got back to where we were

before then, yet. We still have $800 million, the last step, which we hold because we need that revenue.

Some of us understand better than others what that $800 million each year in our budgetary process means to a state in terms of ratings and how it looks. How -- does it really add to the perception that New York is one of the highest tax states? Yes, it does because it's there in black and white.

So, Mr. President, we have an opportunity as a result of income tax cut, reduction in aid to revenue sharing, our localities have had to go to regressive taxes, sales tax, property tax, how much of back door financing, how much of all the things that we're dealing with now, the 15 percent surcharge, the alternate minimum tax, the arguments that we're now taking into consideration for tax cuts, how many of those things do we have to do as a result of the cuts in 1986 and '87 and the revenue sharing decrease over a period of time?

So, Mr. President, we have an

opportunity in this amendment to give back to local government in a fair formula, in a fair formula, an opportunity to receive monies and deal with it in the areas of concern that each locality has.

We've heard horror stories throughout the State of New York as to what - as a result of lack of revenue sharing what we have had to do, those local governments have had to do to people and the programs that they've had to cut out, and the police departments and a number of over things that are integrally tied into our aid to localities. If we merely take one issue and do one change, it should be revenue sharing. That's what we really should be focusing on, but we can not do it this year.

We did a bit with an increase as far as the economy is concerned. It's my understanding from staff that there is a 7 percent increase in revenue sharing, as I mentioned before, but certainly nowhere close to where it was before.

So, Mr. President, I support this

amendment and ask you to focus in, colleagues, on the fact that if this amendments does in fact pass, and it's difficult in the real world, but there is an opportunity to add another pot of money to the increase in revenue sharing that we're doing this year or we will do before we go home on this budget, an opportunity to add some more millions of dollars which will aid localities in a proper way.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The question is on the amendment to Calendar Number 1146. All those in favor.

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT KUHL: Senator Stafford, why do you rise? On the amendment.

SENATOR STAFFORD: I don't want to prolong any debates, but I think I should point out that -- again, we're worrying about Mount Vernon. Right now, they're getting $3,592,794. The increase this year will be $273,052.

And I know all of you want to be accurate and don't want to just grandstand. Just for the record, both houses have been increased the same amount every year.

SENATOR GALIBER: Oh, just -- Mr. President.

ACTING PRESIDENT KUHL: Senator Galiber.

SENATOR GALIBER: At the risk of being put in the category of grandstanding, certainly I don't do that very often. Senator, we're not suggesting that any one house is getting more than the other. I thought I made it clear, but let me try again.

SENATOR STAFFORD: I wasn't talking about you.

SENATOR GALIBER: We're talking about the 7 percent increase in revenue sharing that goes throughout the legislative branch of government. What I've said simply is that if we can save the 20 percent that the amendment calls for, that 20 percent represents $40 million. And to take the opportunity for that $40 million

to be spread not on this side of the aisle or not with the majority of the other house but in the entire legislative branch of government.

So really we're talking about, roughly, another 7 percent, which would be 14 percent I believe as opposed to 7 percent, roughly speaking, rounded out.

SENATOR STAFFORD: Will the Senator yield for a question?

ACTING PRESIDENT KUHL: Senator Stafford? Senator Galiber, do you yield?

SENATOR GALIBER: Just let me finish my point, and then I certainly will yield.

ACTING PRESIDENT KUHL: Senator refuses to yield.

SENATOR GALIBER: Well, I'm suggesting -- refuse is a harsh word. I just delayed yielding. I recognize, Senator, that all local governments share in this formula. I wasn't suggesting that Mount Vernon was cut out completely. That's impossible to do. I'm not sure whether someone would do it or not.

The fact of the matter is that I was making reference to a small city, and there are some large cities also that would benefit. The City of New York certainly would benefit also if it had 14 percent increase as opposed to a 7 percent increase.

SENATOR STAFFORD: Well, I just wanted to.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR GALIBER: I'll yield.

SENATOR STAFFORD: No question. I know we want to be accurate here. Every city will receive 7.6 percent increase, not 7 percent. And I might add that half a percent is pretty important in the cities I come from.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: No, I'm sorry.

ACTING PRESIDENT KUHL: Senator Galiber.

SENATOR GALIBER: The hour is

late, but -- Senator, we would round out the 7 percent. If it's 7.6, you -- will you yield for a question?

SENATOR STAFFORD: Sure.

ACTING PRESIDENT KUHL: Senator Stafford yields.

SENATOR GALIBER: You will, Senator, so I will be accurate, or we will be accurate. If, in fact, we save the 20 percent which represents $40 million, what percentage added on to the 7.6 will be attributed to revenue sharing, exactly?

SENATOR STAFFORD: Well, I would say -- Senator McNamara said one time when he was asked that by one of our representatives, he said, "If you give me time to complete it, I will give it to you. It's not difficult."

SENATOR GALIBER: Well, now in the spirit of -

ACTING PRESIDENT KUHL: Senator Galiber.

SENATOR GALIBER: Senator, you're interested in being precise and accurate and 6

percent -- 7.6 makes a big difference in your locality. It certainly does in my locality.

You have your charts there. Tell me, and I'll settle for a guesstimate or an estimate on it. What percentage will $41 million, $40 million or $41 million, add to revenue sharing rounded out from the 7.6 to be accurate.

SENATOR STAFFORD: I will just share with you I don't say anything on the floor unless I know the exact answer. I will get it for you.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Mr. President. I just have to correct one thing that Senator Stafford says. When Senator Stafford says that the legislative budgets for the Assembly and the Senate have been the same, have risen the same, that is an illusion for the following reason.

We do a budget and we give a certain amount of money to the Assembly and a

certain amount of money to the Senate, and they tell you that that's the same or it's the same percentage. But what Senator Stafford is not saying is that once the Senate has gone through its share, it has been reaching into the drawer to its slush funds and spending that extra amount of money.

Now, that's why, Senator Stafford, it's easy to say that the Assembly fund is bigger than the Senate fund, because we've been spending it and they haven't.

So, now, you want to point to the Assembly which has been fiscally more responsible over the years and somehow tie them them into this mess.

The bottom line is that we, the Senate, you, the controlling people in the Senate, have spent these reappropriations without having to account to the people in a deficiency budget.

So the budgeting and the spending have not been the same. The initial appropriations are the same, but the amount of

money that we have spent has been in excess of the Assembly. And those are facts, Senator Stafford.

ACTING PRESIDENT KUHL: The question is on the amendment to Calendar Number 1146. All those favor of the amendment.

SENATOR GOLD: Party vote in favor of the amendment.

ACTING PRESIDENT KUHL: Clerk will call the roll.

SENATOR PRESENT: Party vote in the negative.

ACTING PRESIDENT KUHL: Clerk will call the roll.

(The Secretary called the roll on the amendment.)

THE SECRETARY: Ayes 26. Nays 34.

ACTING PRESIDENT KUHL: The amendment is defeated.

SENATOR GOLD: Is that with the exceptions on the other side?

ACTING PRESIDENT KUHL: The

amendment is defeated.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I believe there is another amendment on this portion of the bill, which is at the desk.

ACTING PRESIDENT KUHL: There is. Do you waive its reading and ask an opportunity to explain it, Senator Dollinger.

SENATOR DOLLINGER: Yes, I do, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Dollinger to explain his amendment.

SENATOR DOLLINGER: Mr. President. This is an amendment that involves Senator from the 54th district and his attempt to perhaps introduce some line item accounting and some of the principles that Senator Leichter talked about into the portion of the budget which affect the 54th Senate District; and, in specific, and this amendment does two things, Mr. President. It reduces the appropriation for mail services for the New York Senate Senate by

$11,103 in the coming fiscal year, which represents the cost of a single newsletter to the 54th District; and, in addition, it reduces the reappropriation on page 20 of the bill from 3.4 million to about -- by $22,000 which represents a reduction in two mailings that were not used by the Senator from the 54th District.

What it does is it reduces the budget to reflect a reduction in the anticipated mail costs and reduces the reappropriation to reflect the fact of the mailing costs that were not expended and that should fall back into the general public treasury and not be continued in the reappropriation account.

From my point of view, this reflects a decision on my part to reduce the mailing costs of my own that I have allocated to me under the prior budget for the 54th District and I think are a step in the direction of getting the mailing costs under control. I wish that I could earmark this $33,000 back to my locality so that it would to go my community. I haven't done that. I don't think I can do that

under this budget. I'd have to tuck it into the aid to localities and increase it by that amount. But this is money that comes from the people in my district. I didn't use this money. I don't intend to use this money. I'm going to live by different rules; and from my point of view, the people in my community ought to share in that savings.

So, Mr. President, I move that. It's a reduction in the legislative budget. It's a reduction in the reappropriations to reflect a change in the mailing practices in the 54th Senate District.

I would urge all my colleagues to save that $33,000, give it back to the taxpayers of this state. I wish I could give it directly to the people of my district; but if the people in the state share in the benefit, that's just as well.

I would urge the adoption of this amendment. It doesn't affect anyone else in the house.

ACTING PRESIDENT KUHL: The

question is on the amendment. All those in favor of supporting the amendment, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

The amendment is defeated.

Clerk will read the last section.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

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

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter on the bill?

SENATOR LEICHTER: On the bill, please.

ACTING PRESIDENT KUHL: Senator Leichter on the bill.

SENATOR LEICHTER: Yes.

Mr. President. Would Senator Stafford be so good as to yield, please?

ACTING PRESIDENT KUHL: Senator Stafford, do you yield?

SENATOR STAFFORD: By all means.

ACTING PRESIDENT KUHL: Senator Stafford yields, Senator Leichter.

SENATOR LEICHTER: Senator, could you tell us why the original print of the Legislative Budget, and specifically of the Senate, contained in S.6451.

SENATOR STAFFORD: Excuse me. Where now?

SENATOR LEICHTER: Now, this was the original print -- we're dealing with the A print -- the original print which came out in February, Senate 6451, appropriated 250,000 for printing. The print that we have before us now doubles that appropriation to $500,000. Could you tell us what the reason for that is?

SENATOR STAFFORD: Where is the appropriation that's doubling? What page?

SENATOR LEICHTER: It's page 3, line 13.

SENATOR STAFFORD: First, there were increased printing demands and the costs went up.

SENATOR LEICHTER: You are saying that between February 1994 and June 7, 1994, there were increased costs that required a doubling of the printing appropriation?

SENATOR STAFFORD: This is from the middle of November until now.

SENATOR LEICHTER: I'm sorry. Senator, the date of S.6451 was about February 1 of -

SENATOR STAFFORD: We had to submit the bill by December 1st to the Governor.

SENATOR LEICHTER: But you acknowledge that there is -

ACTING PRESIDENT KUHL: Senator Leichter, are you asking Senator Stafford to continue to yield?

SENATOR LEICHTER: Yes.

ACTING PRESIDENT KUHL: Senator

Stafford, do you continue to yield?

SENATOR STAFFORD: Senator Leichter, again, you and I sharing the same area a good part of the year, I'm sure that anything you would say would be true, and I won't even check the original bill.

SENATOR LEICHTER: Thank you, Senator.

And I know that everything that you say is true, too. I just wish, Senator, that you, like me and the other colleagues here, would have the information so that you would answer truthfully because I've never known you to answer other than truthfully.

But let me ask you this question, Senator.

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

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LEICHTER: The good Secretary of the Senate is here, and maybe he

can provide some enlightenment. The Senate appropriation of this year for postage was increased to $4.5 million. For years, it's been 3.5 million. As you and I know, 1994 is an election year. Is that increase of one million in any way reflective of the fact that we're in an election year?

SENATOR STAFFORD: You know, I know that you don't mean it this way, and I would hasten to add that I don't think there is anybody in this house that would use anything concerning the Senate mail or anything other than properly.

Now, as I mentioned a few minutes ago, when you submit this to the executive branch in December, very often, there are going to be increased costs when you really find out what they are going to be. Also, we have been underbudgeting that amount.

SENATOR LEICHTER: Senator, so if I understand what you are saying is that the budgets that we passed for '93-94, '92-93, actually understated the amount of mailing, and

that we were spending more money for mailing. Is that correct?

SENATOR STAFFORD: Yes, and, of course, that's been pointed out publicly.

SENATOR LEICHTER: Okay. Senator, I appreciate that because that's exactly what we thought, that the budget under stated the amount that was being spent for mailing.

Let me, Senator, touch on something that you raised that nobody in this house would do anything improper. Senator, let me just ask you. Do you think it's improper for members to send out over a million pieces of mail during their term when the rules of this house provide that each member is to send out three districtwide mailings and additional mailings of 100,000 bulk. Do you think that's improper?

SENATOR STAFFORD: Senator, and you know this, this is by no means personal to you, to anybody on this side of the aisle or anybody on this side of the aisle, but you know

it's printed what is spent, and I don't think anyone is going to be saying what is proper or improper. I don't know the exact amount you are talking about, and I think you are using the wrong word here, "improper".

SENATOR LEICHTER: Senator -

ACTING PRESIDENT KUHL: Senator Leichter, are you asking Senator Stafford to continue to yield?

SENATOR LEICHTER: Yes.

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

SENATOR LEICHTER: If my distinguished North Country neighbor and our distinguished chairman of Finance would continue to yield, please.

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

SENATOR LEICHTER: Senator.

SENATOR STAFFORD: I'm your second home, Senator, and your summer, Senator.

SENATOR LEICHTER: Right, and let me tell you, the people up there love you as I

do because you do a terrific job, in that area.

Now, Senator -

SENATOR STAFFORD: I notice that was limited.

SENATOR LEICHTER: And I understand -- I understand that you are getting up and you have to defend the budget that I believe you didn't write, that you know about as much as I do and you do it very ably, and I don't mean this in any way, as you understand, to be any attack on you.

SENATOR STAFFORD: I understand.

SENATOR LEICHTER: But the issue of the mailings I think is a very important one; and, Senator, I heard you say you know that this is printed or this is available, the information as to mailings. Senator, prior to this year, prior to the year 1993, was it possible to find out, Senator? Was it made publicly available how much each Senator sent out in mailing?

It wasn't; right? I mean we don't have to play games with each other.

SENATOR STAFFORD: No, we don't!

By all means, this is just you and I as far as I'm concerned are visiting like we do at the Essex County Fair. 1993 was the first year. No question about it.

SENATOR LEICHTER: Okay. Well - all right. Senator, but where -- I hope in that part of the fair where there aren't, you know, the cows and whatever they leave on the floor. I want us to be in the part of the fair where there are the flowers and things that bloom and smell good.

Senator, finally, let let me just -- well, two more questions if you'd be good enough to yield, and you have been, as always, a real gentleman.

I just want do confirm this and try to get a reason from you. The original print of the Legislative Budget and the appropriation for the Senate provided $1,230,000 for equipment. Now, the bill that we have before us which came out just a couple of hours ago increased that appropriation by 50 percent to $1,900,000. Could you tell us what

additional or new equipment we're purchasing with that increased appropriation $670 million?

SENATOR STAFFORD: Yes. I'm sure some has been purchased. I'm sure some has not. But, Senator, as I pointed out earlier, originally -- originally, when it was presented in November, because it had to be presented by December 1, then when we looked and saw exactly what we needed, the increased costs, of course, are there.

SENATOR LEICHTER: Senator, is this for the purchase of the OMIS computer system?

SENATOR STAFFORD: No, as a matter of fact.

SENATOR LEICHTER: Well, what, Senator -- if the good Senator continues to yield?

ACTING PRESIDENT KUHL: Senator Stafford do you continue to yield?

He does.

SENATOR LEICHTER: What is that expenditure for?

SENATOR STAFFORD: I certainly will get that for you. Again, I think we're going to find a good bit of it hasn't been expended yet, but, you know, I'll get you that documentation.

SENATOR LEICHTER: Senator, I want to say I hope it hasn't been expended because we haven't passed a bill yet. And while we do things a little loosely, I hope we're not spending monies before -

SENATOR STAFFORD: We're being nice to each other now.

SENATOR LEICHTER: - appropriations.

SENATOR STAFFORD: Mr. President.

SENATOR GALIBER: Mr. President. Could we -

ACTING PRESIDENT KUHL: Gentlemen. Gentlemen.

SENATOR STAFFORD: First of all -

ACTING PRESIDENT KUHL: Senator

Stafford. Senator Stafford, please. Just a minute.

There is an awful lot of noise in the Chamber, number 1. You've been very patient in trying to get through this dialogue.

SENATOR STAFFORD: It's all the visitors that are doing it.

ACTING PRESIDENT KUHL: I understand that, Senator Stafford. But our people who are recording all this wonderful dialogue are having a difficult time hearing.

So can we continue to come through the chair, please, and try to speak into your microphones on your desk so the recorder can, in fact, listen and record your comments.

Thank you.

Senator Leichter, are you asking Senator Stafford to yield?

SENATOR LEICHTER: Yes, if you would please, Senator. And just to put this in the right context, we find that we have roughly a 50 percent appropriation for equipment we're purchasing. Now, you say, well, we found out

equipment was more expensive.

Is it that we decided to purchase additional equipment, or are you saying that since the budget was prepared in November of 1993, the cost that have equipment went up by 50 percent.

SENATOR STAFFORD: Exactly. Due to the fact that we're trying to -- we're trying to make sure that we don't spend any more than we have to. This is mostly replacement and, yes, the costs have gone up.

SENATOR LEICHTER: By 50 percent.

SENATOR STAFFORD: It isn't 50, is it? It's a third, 30 percent.

SENATOR LEICHTER: Well -

SENATOR STAFFORD: And by the way, I'm taking your -- excuse me, Mr. President.

Mr. President. I'm taking Senator Leichter at his word that the original figure is correct.

ACTING PRESIDENT KUHL: Senator Leichter.

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

ACTING PRESIDENT KUHL: Senator Stafford, do you yield?

Senator Stafford yields.

SENATOR LEICHTER: Yes. Senator, the original appropriation in the initial print was 1,230,000.

SENATOR STAFFORD: Right.

SENATOR LEICHTER: That's gone up by 670,000, so that's an increase of 50 percent. I can't believe that there has been such an increase in cost. It must be new equipment that's being purchased. And my question is what equipment are we talking about?

SENATOR STAFFORD: (Discussion with staff.) All right. Fine, a half.

ACTING PRESIDENT KUHL: Senator Leichter, apparently Senator Stafford did not understand -

SENATOR STAFFORD: No, I

answered.

ACTING PRESIDENT KUHL: -- or did not hear your question. Would you repeat it, please.

SENATOR STAFFORD: No, seriously. You asked -- I said it was a third, and it is not a third. It is a third of the new money, but it's half.

SENATOR LEICHTER: And 50 percent of the old money.

SENATOR STAFFORD: I'm sorry. Right. Yes.

SENATOR LEICHTER: My question is, are we purchasing some additional equipment? And if so, could you please tell us what the equipment is, or are you claiming that our initial estimate was off by 50 percent?

SENATOR STAFFORD: I don't think final decision probably has been made on some of this. As you pointed out to me, the bill hasn't been passed yet. But as soon as I get the exact details on this, I certainly will make it available. I told you that a great deal of it,

most of it, is for replacement and that's what it will be used for.

SENATOR LEICHTER: Senator, thank you.

SENATOR STAFFORD: Thank you.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: I'm not going to ask Senator Stafford any more. He's been, as I said, more than patient.

Mr. President. We can go through this budget, and we can ask a number of questions of this sort. We can ask a lot of questions, because the budget doesn't reveal anything. And, you know, you can snicker about how clever you are doing this, but really what you are doing is cheating the taxpayers, because you are failing to disclose how you are spending money; and as I said, it's just wrong.

And let me just point out that what really makes this even worse is that there is a language in the bill, in the language bill that we're going to come to, S.8598, which gives

the power to the Majority Leader, and for the Assembly to the Speaker, to shift any of the appropriations.

So after we have this very cursory budget -- it really shouldn't be called a budget. It's more like a crib sheet.

The Majority Leader can shift any appropriation he wants to. If he wants to take money out of other than personal expenses and use it for mailings, he can do it. It really makes a total mockery of what is a non budget to begin with.

And Mr. President, and my colleagues, would we allow the executive to come here for a state agency and say, okay, in February I submitted a budget that we were going to purchase some equipment and now it's going to cost 50 percent more, but I can't tell you what the equipment is. I can't tell you whether we're talking of increased costs or whether we're talking of additional expenditures. I can't tell you whether we've already bought the equipment, or maybe we'll decide to buy the

equipment somewhere along the line. There would be an uproar. We would have people on their feet saying this is irresponsible. This is wrong. This is why this is known as a state that spends. This is known as a state that taxes. We shouldn't be doing this. It's just wrong.

I think we have made our point. I'm hope we've made the point. I'm sorry that, once again, you are just brazenly pushing this sort of a budget through. But I'll tell you it's not the last that you've heard of it in this year. It will be an issue in this election. We will take it to the voters of this state and let them decide whether you are acting responsibly, and we're going to raise it year-in and year-out until finally this Legislature acts responsibly, acts in a proper, democratic, lawful manner and puts forward a detailed budget and let's the people of this state know how their money is being spent.

Mr. President and my colleagues. I urge anyone to vote against this bill because

this is phoney. It's a fraud. It besmirches this Legislature. It's an insult to the people of the State of New York. It deserves to be defeated.

ACTING PRESIDENT KUHL: Clerk will read the last section.

Senator Markowitz.

SENATOR MARKOWITZ: Yes. Thank you. I have a question, if I may, to Senator Stafford.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR MARKOWITZ: Senator, just for my own edification. I don't get an opportunity too often when it comes to Legislative Budgets to ask questions because, once it's a proved, frankly, that's it.

Putting aside the fact that some of us are chair people of committees, namely, Republican Majority have greater

responsibilities certainly as soon as you hold the majority; and, therefore, obviously you do require to some degree additional staffs and things like that.

The one thing that I have never been able to understand in 16 years is that since all of us represent the same number, basically, of constituents in each of our districts, why is it that Republican members of our house receive newsletters that are 11 by 14, four pages, three times a year at least, and Democrats only receive one four-pager and two two-pagers?

What I'm trying to say is that, to me, I think it's not the most important issue and yet it is, because to me it's really a slap in the face, frankly, to those of us, all of us that represent the same-sized districts; and that is, here's a glaring example where we have a right to communicate with our district constituents every much as you do, why do we receive so significantly less in terms of our legislative reports? I never really understood

it, Senator.

SENATOR STAFFORD: To put it in perspective, there are some of us on this side of the aisle that send fewer newsletters than allowed. I think that's be a discussion that maybe hasn't been -- hasn't really been explained, and I think when we do and we are doing it, I think we'll see that it isn't that much different.

I'm certainly very willing to sit down with you -- I take you very seriously. I'm very willing to sit down with you and have you explain just exactly the way you see it, and we can move from there.

SENATOR MARKOWITZ: If I may, Senator, and just so briefly on this -- and I realize this is not the most important item on this budget for sure, but I know in Washington, friends that I know that are both Democrats and Republicans, recognizing that the Democrats in the House receive significantly more staff, mainly because they have much greater responsibilities than those in the minority to a

large degree, but when it comes to mailing and when it comes to legislative reports, they all get the same allocations, and I would like to see that happen. I think it's the only fair thing to do in this legislative budget. Hopefully, we're going to pass it now, but this is really within the purview of the Majority Leader. So I hope that will happen.

ACTING PRESIDENT KUHL: Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Will Senator Stafford yield to just one quick question -- actually two quick questions?

SENATOR STAFFORD: Sure.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield to two quick questions?

Senator Stafford Yields.

SENATOR STAFFORD: You and I are going to have to keep it light, the way we have it here, you know.

SENATOR DOLLINGER: I know. I may have misjudged that earlier today, Senator,

and I apologize for that if I did not do it in the right vein.

SENATOR STAFFORD: No, I apologize.

SENATOR DOLLINGER: The bill that is currently before this house, does it take the guidelines that were announced by the Majority Leader with respect to mailings and incorporate them into law?

SENATOR STAFFORD: I understand your question now. No, it's not in law.

SENATOR DOLLINGER: Is there any reason for that, Senator, that it isn't incorporated into law?

SENATOR STAFFORD: A legislative body -- and I'm going to try to explain this, and this is by no means attempting to make light of your question. I think you will find in any legislative body, whether it's in another city down there, I guess near Virginia, that doesn't do half the work we do, or whether it's any other state, I think you will find that the makeup of a legislature -- or whether it's a

county legislature -- if that chairman of the county legislature doesn't have really the power, it has to be fair, but have the wherewithal -- wherewithal is better than power -- everyone behind him or her and have the flexibility, legislatures just can't function.

I might add and maybe I'm being a bit presumptuous here, but you will find that there are some other legislatures -- and I'm not going to get any more specific because I have no right to. I haven't spent time down there. I just read. But if you are going to get things done, that consensus has to come together and there has to be decision.

I would suggest again, in the spirit of your question -- you served in the county legislative. I would suggest -- is it Speaker Valone? Is that his name?

SENATOR GOLD: Yes, that's his name. A very fine Speaker.

SENATOR STAFFORD: He is a very fine person.

SENATOR GOLD: Very fine person.

SENATOR STAFFORD: Did his responsibilities and abilities to be Speaker of the Council, when they went through all these changes, was, frankly, the speaker more powerful or less powerful?

Now, if you don't know that, I certainly won't -- you know. But I think you'll find he was -- in all fairness, I would say he is much more powerful to get the job done, and this is what this is all about.

I'm sure we're willing to sit down and discuss. I frankly compliment you on your -- let me use the right word now -- hard work of what you are doing. But, again, I think we have to be fair here in the Majority, and I think this is where we are.

SENATOR DOLLINGER: Again, Mr. President, if I can just -

I guess my question, Senator Stafford, was -- the Majority Leader has announced guidelines on the mailing practices of this body and has indicated, as best I can tell, a determination to abide by those limitations.

My question is, if that's the case, why aren't those limitations enacted into law with all of the expenditures that are contained in our budget?

SENATOR STAFFORD: Well, I think, again, it reflects ability and maybe makes some changes where needed.

But I'd also say this, Senator, and I think this has to be emphasized. When the day comes that any member of this body makes a commitment, guidelines or whatever you want to call it, and we can't keep -- we can't rely on that person keeping his or her word, then we're not going to have the Senate that we have here today.

SENATOR DOLLINGER: Well -

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: If I can just have a moment, Mr. President. If I could ask just one more question, Mr. President. Then I'll discuss the bill.

ACTING PRESIDENT KUHL: Senator

Stafford, do you yield to one more question?

SENATOR STAFFORD: By all means.

SENATOR DOLLINGER: What, if anything, is contained in this bill that prohibits transfers between accounts -

SENATOR STAFFORD: What's this? I'm sorry, I missed it.

SENATOR DOLLINGER: -- or controls transfers between accounts? Who has the authority to transfer money between the accounts that are labeled in this document and other accounts that are labeled in this document?

SENATOR STAFFORD: The Majority Leader and the Speaker.

SENATOR DOLLINGER: And what accounting procedures do they follow when those transfers are made?

SENATOR STAFFORD: Well, we now are -- this is something -- as a matter of fact, it's very interesting. The first meeting I went to of the -- what is it called now? Of the - the Joint Audit Committee, and I saw what we

were paying the accountants that we never had been doing. And, frankly, I'm not one to speak out as much as I should, but I guarantee I did then. We have accountants. They are the -- is it "Big Eight" still? -- "Big Six."

(Laughter.)

We've had some mergers, as with everything else. Won't be long, we'll be breaking it all up again.

But they audit, and the audit is public.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: If Senator Stafford will yield to just one more final question. I apologize.

SENATOR STAFFORD: Sure.

ACTING PRESIDENT FARLEY: Senator Stafford yields.

SENATOR DOLLINGER: Senator, does this budget contain funds appropriated for the

OMIS system, and could you tell me what that system is and what it does?

SENATOR STAFFORD: Whenever we get into computers, and believe you me -- I again don't want to be light, but you just have to see my 18-year-old and my 17-year-old and my 14-year-old talk to me about computers, and there is nobody that's more disgusted than they are.

(Laughter.)

This is not my field. I share with you -- I share with you that this is for replacements. That's what we were talking about.

SENATOR DOLLINGER: Okay.

SENATOR STAFFORD: Now, will there be any other purchases? In all fairness.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. My understanding of the OMIS system is that it's a very sophisticated computer system that allows targeting of particular mail

delivery and mail production systems.

My question is does this budget provide for enhancement of the OMIS system, number 1; and, number 2, if Senator Stafford will continue to yield, will those services be made available to all members of the Senate on an equal basis?

SENATOR STAFFORD: That decision -- in all fairness, that decision has not been made.

SENATOR DOLLINGER: I guess, Mr. President, I don't mean to make light of this, and I certainly think these are critical questions that we would ask in any budgeting process.

With all due respect to the esteemed Chairman of the Finance Committee, I guess I just look at this documents and don't see that it contains the answers that I need in order to be able to vote in favor of this.

I'm concerned because the mail guidelines are not contained in this budget. They have been violated.

And with all due respect, again, to the Chairman of Finance and his long tradition in this body, while I would love to believe that if the Senate says it will do it, it will abide by its own rules, I think we have ample evidence that that has not been the case.

I think we've produced that evidence. In addition, I'm concerned about the OMIS system and the development of sophisticated computer operations paid for by the taxpayers of this state that is going to be used to facilitate a mail campaign in the 1992 election year which will be one million dollars greater than it was last year, which has a reappropriation in this budget.

On page 20, for nonpersonal services, we're reappropriating $3.4 million, which to the best I can tell are transfers that can be used by the Majority Leader for all that postage and all that mail which makes us all look so good in the eyes of our constituents and our voters that they never seem to want to change the horses.

It seems to me that there is a lot underlying this budget that suggests that it's not going to be used for equal purposes by every member of this house, and that the temptation to use the taxpayer money for campaign purposes in a system of campaign financing that doesn't have the people's knowledge nor their approval, Mr. President, makes it impossible for me to vote or condone this budget.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President. I rise simply because of the colloquy which occurred between Senator Stafford and Senator Markowitz, where Senator Stafford indicated that he might be amenable to sitting down and discussing what I hopefully correctly characterize as "considering equities" regarding certain abilities to utilize the services and the wherewithal of the Senate; and it reminded me that on occasion when I went down to put on a TV show, for want of a better way of

characterizing, and found that members on the other side may have greater access to the television studio in terms of frequency and length of their broadcast than I, which reminded me of when I served in the Congress of the United States, it was very different.

In the Congress of the United States, everyone had the same budget, and the distinctions were made as you rose in terms of power in the house. I have no problem with that, meaning if you all are in the majority, remain here until the day I leave this body, that's fine, if your ability to be chair persons distinguishes you in terms of the monetary stipend and myself serving in the minority. But it does bother me that we all came here the same. We're all born. We'll all die. We all were elected to office. That's for sure. And we will remain in office as long as the people send us -- basically, the same number, about 300,000.

And I don't understand why in this house and in the other house there has to

be such a distinction in terms of the budget of each office of the Senate, meaning that the 10th Senatorial District should have just as much in terms of the dollars to run that office as any other office in the Senate, any other Senatorial District.

And I would hope, Senator Stafford, in keeping with your suggestion or your agreement to Senator Markowitz' concern that there might be an ability, not from my level but from the level of leadership comparable to yourself, to sit down and to discuss this creation of equity.

And, you know, this isn't said lightly, and I would hope that some serious consideration would be given to that. Because under, as I have mentioned months ago, at least two months ago, it is my impression that under the "one man one vote" rule that we are not allowed, those of us in the African-American community, to serve our people as prescribed by the federal government because there is such an inequity.

And I would hope that wise heads and gentlemanly and gentlewomanly approaches would allow us to move towards correcting that disparity.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Hoffmann.

SENATOR HOFFMANN: Thank you. I wonder if Senator Stafford would yield for a brief question?

ACTING PRESIDENT KUHL: Senator Stafford, do you yield?

SENATOR STAFFORD: Keep it -

ACTING PRESIDENT KUHL: Senator Stafford yields.

SENATOR HOFFMANN: Senator Stafford, I am deeply gratified to hear your comments specifically to Senator Markowitz, earlier, and I want to make sure that I have it clear in my mind what you said relative to the difference in newsletters.

SENATOR STAFFORD: Well, I didn't

say anything about the difference, but I would first say that Senator Waldon was very kind to me, because I was just using hyperbole when I said that we do more work. But my point was, as the chairmen and as the leaders of the houses have not had the power that they had, frankly, to get things done, it's been much more difficult. This is what this is.

What I said was that I certainly would be more than pleased to sit down with anyone, and if -- I did say that some of the inequities might not be as inequitable as some of us might think because I think you would be very surprised that a number of people -- the numbers over here. I certainly would sit down, and I would be more than happy to discuss it, and I certainly would with you.

SENATOR HOFFMANN: Thank you, Senator Stafford. Can Senator Stafford yield to one more question?

ACTING PRESIDENT KUHL: Senator Stafford yields.

SENATOR HOFFMANN: On the same

train of thought. Thank you.

Could you clarify for me what you said about the dichotomy in the numbers of newsletters and how that figured into this equation -

SENATOR STAFFORD: Well, first, I didn't use the word -

SENATOR HOFFMANN: -- that you were hypothetically discussing with Senator Markowitz.

SENATOR STAFFORD: First, I didn't use the word dichotomy.

SENATOR HOFFMANN: No, you didn't.

SENATOR STAFFORD: Because that is -

SENATOR HOFFMANN: That's my word. It just came right into my head. I don't know why. But it's a good word and I'd use it again before the night is out.

SENATOR STAFFORD: Difference. Difference.

SENATOR HOFFMANN: Thank you. I

will accept difference as an excellent word, too.

SENATOR STAFFORD: No, I said the difference might not be as much as some of us would think, and I would be very willing to sit down and discuss the matter, any matter. Whether there's inequities in that or not is not said lightly, either.

SENATOR HOFFMANN: Were you talking in reference to number of newsletters? Did you say something about not using as many of the newsletters in the allotments; and, therefore, the larger size paper -- I believe that was Senator Markowitz' question, was about larger size paper.

SENATOR STAFFORD: I didn't say anything about larger size paper.

SENATOR HOFFMANN: Senator Markowitz was concerned about the fact -

SENATOR STAFFORD: Now, seriously, if there is differences, I certainly will be more than happy to sit down and discuss it.

SENATOR HOFFMANN: Okay. Well, I'm glad that you raised the issue about the differences.

ACTING PRESIDENT KUHL: Senator Hoffmann, are you asking Senator Stafford to continue to yield?

SENATOR HOFFMANN: I am. Yes, I am.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield?

SENATOR STAFFORD: First, I didn't raise it, though.

ACTING PRESIDENT KUHL: Are you asking Senator Stafford to yield?

SENATOR HOFFMANN: I'm asking Senator Stafford to yield.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield?

SENATOR STAFFORD: But I didn't raise the issue.

ACTING PRESIDENT KUHL: Senator Stafford yields.

SENATOR HOFFMANN: Well, Senator

Stafford, let me just rephrase the question earlier then, because I recall your making a comment about some people not mailing as many newsletters as other people had mailed.

SENATOR STAFFORD: No, I -

SENATOR HOFFMANN: Therefore -- I see Steve Sloan, the Secretary, our very able Secretary, commenting with some recollection, and I know you have just taken a whole volley of questions -- in very good humor, I might add, and I intend this to be in the same vein of good humor, but an earnest concern that I understand the actual principle at play here.

SENATOR STAFFORD: I understand. Well, first, I was pointing out that you will find that on this side there probably aren't as many newsletters as one would think. That's my point. I said that. Then I said I would be more than happy to sit down and discuss any of these issues.

SENATOR HOFFMANN: All right. Thank you, Senator Stafford.

Would Senator Stafford yield for

one additional question, please.

ACTING PRESIDENT KUHL: Senator Stafford yields.

SENATOR HOFFMANN: We're coming to some closure here, Senator Stafford, and I feel very good about this exchange, by the way.

SENATOR STAFFORD: That's a word "closure"! Boy, difficult.

SENATOR HOFFMANN: I think I understand the gist of this discussion here, and it appears to me -- and, now, this is just my assumption and forgive me if I'm making a great leap here, but it appears that some Senators and you mentioned on your side of the aisle who have chosen to not mail as many newsletters are, therefore, entitled to either a larger size newsletter -

SENATOR STAFFORD: No.

SENATOR HOFFMANN: -- or some type of compensation?

SENATOR STAFFORD: No, I did not.

SENATOR HOFFMANN: I'm not correct in that?

SENATOR STAFFORD: No, I did not.
SENATOR HOFFMANN: What was the reference relative to not mailing as many newsletters?
SENATOR STAFFORD: I just said I'm not sure the inequities are as much as some people would think, and I would be more than pleased to discuss that.
SENATOR HOFFMANN: Okay. Well, what I would want -
ACTING PRESIDENT KUHL: Senator Hoffmann on the bill?
SENATOR HOFFMANN: No, I'm asking Senator Stafford to yield for one additional question because I was apparently on the wrong track.
ACTING PRESIDENT KUHL: Senator Stafford yields.
SENATOR HOFFMANN: Now that I'm corrected, I want to make sure that I do bring this to some -
SENATOR STAFFORD: Senator, you were not corrected. We were just clarifying the

issue.

SENATOR HOFFMANN: Oh, thank you. Well, in order to help me clarify this and for us to have a further fruitful discussion on this subject.

This is the situation that I find myself in. I have not mailed a newsletter in four years and not too long ago -- well, I guess it's about two years ago, I made a request to the Majority Leader that because I had not mailed any newsletters that, clearly, there was a tremendous savings in the 48th Senate District, and I wondered if I could use some of that savings to upgrade the computer facilities that are available to my very hard-working staff. The tremendous amount of mail that was coming in, particularly with our perpetually late budgets, compelled them to write many pieces of correspondence; and since we do not have the laser printers that are available to Republican Senators, I simply requested that some of this savings in unexpended newsletter allowance be transferred to allow the purchase

of laser printers and upgraded computer equipment.

I'm sure you can appreciate how very disappointed I was when the Majority Leader indicated, through Mr. Sloan, that it was not considered to be an acceptable arrangement, and I think there was a reference to it being a precedent. I don't understand what a precedent meant.

But I would ask you, Senator Stafford, would you be willing to revisit that issue in the interest of fairness, not to me as the Senator in the 48th District, but to the constituents that I represent so that we could better serve their needs?

SENATOR STAFFORD: We're getting a little on the edge of good humor. But yes.

SENATOR HOFFMANN: Thank you, Senator Stafford.

On the bill. While I do appreciate Senator Stafford patience, I also understand why this rather specific request might be a little bit difficult to accept and

particularly when it's couched with the reality that such a request made in a very logical and appropriate way was denied, summarily denied, and handled in I think kind of an unprofessional and uncollegial way.

I mean, after all, it's not like we're looking to have gold plate on the walls of our district offices when we just want to increase our ability to respond to the needs of our constituents, but this is one minority Senator who recognizes the state's terrible budgetary problems, sought on my own to try to economize by cutting back on the mailings.

And having done no newsletters in four years, I think it's perfectly appropriate to make the request that some of that savings be used in a way that's considered more appropriate to the needs of my office.

And since there appears to be no other mechanism to make something like this happen, I am very, very satisfied tonight to hear that we appear to be moving in the right direction with the personal commitment by the

Chairman of the Senate Finance Committee, our esteemed colleague, Senator Stafford, gentleman that he is, willing to make his own personal involvement in this issue.

But I still want to register for the record that I believe this should be a matter of utmost concern for standardization within the Senate rules and procedures so that it does not have to occupy our time at the hour of eight minutes past 2:00 a.m. on July - excuse me, April -- I'm getting ahead of myself. What month is this? June 8. Now we're at June 8, but it's still June 7 according to the calendar.

Just so we all understand it, this is not the logical way that this type of business should be conducted. I hope the record will reflect that while I'm pleased that there is some progress this evening, that there is a much better way that this could be handled, and I hope that all of my colleagues will be looking for an entirely different budget, more on the lines of the one that Senator Leichter and

Senator Dollinger had suggested in amendment form, that we could have next year.

ACTING PRESIDENT KUHL: Clerk will read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately and shall be deemed to have been in full force and effect as of April 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1146 are Senators Dollinger, Hoffmann, Jones, Leichter, Nanula, Oppenheimer, and Pataki. Ayes 53. Nays 7.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President can we take up Calendar 1150.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1150, by the Senate Committee on Rules, Senate Bill Number 8598-A, an act to amend the Legislative Law, the State Finance Law, in relation to incorporating therein several provisions relating to the operation and administration of the Legislature.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: Senator Stafford for an explanation.

SENATOR PRESENT: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT KUHL: Senator Present, the Secretary indicates there is.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT KUHL: Motion to accept the message. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Senator Stafford for an explanation.

SENATOR STAFFORD: I think I can clear this up.

This bill includes legislation which we would have put in the budget if we could have, but we can't because of the bankers' case. This is the same wording that we passed in the legislative budget in past years.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, is there an amendment at the desk?

ACTING PRESIDENT KUHL: Senator Dollinger, we're looking. Yes, we have an amendment at the desk. Do you waive its reading and ask an opportunity to explain it?

SENATOR DOLLINGER: Yes, Mr. President, and I'll be brief as well.

ACTING PRESIDENT KUHL: Senator Dollinger to explain his amendment.

SENATOR DOLLINGER: Mr. President, this is an amendment that has been

brought forth in a number of contexts before, via motions to discharge, and these are a series of bills that, in my judgment, would substan tially strengthen the process of our own budgeting and bring us into the latter part of the 20th Century where our constituents want us to be.

It does a number of things. One, it creates an itemized legislative budget. It creates the language for an itemized legislative budget as proposed by my colleagues, Senator Leichter and Senator Hoffmann. It also creates a quarterly accounting.

You've all seen Senator Jones stand here and wave the book from Congress, the little brown bound book that's about an inch or an inch and a half thick that lists all the itemized expenditures for each member of the Congress, all 435 of them. They can account for 435 members of the House and a hundred members of the Senate, but we can't give our taxpayers the accounting for the 61 members of this body.

In addition, Mr. President, this

establishes mailing limitations of changing the dates for the effectiveness of mail prior to either a primary or a general election from 30 days to 45 days, enacting into law a prohibition on using this mail just before an election campaign which I think there's ample evidence has already been done in this house. That's a bill that's been produced by Senator Jones and has been talked about before.

In addition, it would enact into law, the current restrictions on three news letters and 100,000 pieces of bulk mail each year, plus an additional $100,000 for mailings by the Senate Majority Leader, the Minority Leader and Senate Administration.

In addition, the bill would also establish a Senate -- or excuse me. The amend ment, Mr. President, would establish a Senate Management Committee, which would be a bipartisan panel of three Republican Senators and three Democratic Senators to monitor and enforce the Senate mail guidelines.

I'd point out that this is

extremely comparable to the independent advisory commission that currently overseas the mailing process in the United States House of Representatives and would bring the same kinds of standards that are part of our federal practice into state practice.

In addition, would do one -- the amendment would do two other things, Mr. Presi dent. One is, it would establish a Conference Committee. That is, it would require the appointment of conference Committees to meet publicly to iron out inconsistencies in bills that are passed by the Assembly and Senate and rather than the closed door, back door, back room negotiations that currently not only lead to this budget and this entire budget process which dominates all the other bills that come in front of this house. That's very similar to the Conference Committee bill that the Minority Leader, Senator Ohrenstein, has sponsored in the past.

Lastly, Mr. President, and perhaps it's appropriate to end on this note

because it seems to me that Senator Leichter started us off with the "Dracula" budget that is before us, that budget that comes out of the dark, prefers to stay in the dark and never wants to see the light of day. What this amendment would finally do is bring the bright light of sunshine through the Freedom of In formation Law into the halls of this chamber and into the spending that occurs under this budget and make the state Freedom of Information Law applicable to the state Legislature so that we who make the laws would be judged by the same standards that every other elected official is bound to in this state, that every other government works according to in this state and that the $170 million that is spent on this Legislature will be available and the information on those expenditures will be available to the public.

It's time we took Dracula out into the bright light of sunshine. That's what this amendment is intended to do, Mr. President. It incorporates the good government

principles that should guide this body in the next year and in the next century. I urge its adoption.

ACTING PRESIDENT KUHL: Question is on the amendment. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(Response of "Nay.")

ACTING PRESIDENT KUHL: The amendment is defeated.

SENATOR GOLD: Party vote in the negative.

SENATOR PRESENT: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record -

THE SECRETARY: 26, nays 34.

ACTING PRESIDENT KUHL: The amendment is defeated.

Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1150 are Senators Dollinger, Hoffmann, Jones, Oppenheimer, Pataki. Also Senator Leichter. Also Senator Nanula. Ayes 53, nays 7.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, may we take up Calendar 1153.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1153.

THE SECRETARY: Calendar Number 1153, Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number 11860 and substitute it for the identical Third

Reading 1153.

ACTING PRESIDENT KUHL: Substitution is ordered.

Question is on the resolution. All those in favor signify by saying aye.

((Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Can we call up 1149.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1149.

THE SECRETARY: Calendar Number 1149, Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number 11861 and substitute it for the identical Third Reading 1149.

ACTING PRESIDENT KUHL: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President,

is there a message of necessity at the desk on this bill?

ACTING PRESIDENT KUHL: Secretary tells me there is, Senator Present.

SENATOR PRESENT: Mr. President, I move that we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. The Clerk will read the last section.

THE SECRETARY: Section 4. This act shall -- Section 4. This act shall take effect November 15th, 1995.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR HOFFMANN: Mr. President.

ACTING PRESIDENT KUHL: Senator Hoffmann.

SENATOR HOFFMANN: Yes. Mr. President, when the bill preceding the one that just passed was read, it was read -- the short title was not read. There was a reference to a resolution, and I know that some of my col leagues and I had wanted to have an opportunity to have an explanation and some discussion.

I wonder if we could move to reconsider and take it up in a bit more orderly fashion. Bear in mind that we do not have calendars in front of us that indicate what bill we are debating or not debating as the case may be. It puts us at somewhat of a disadvantage if we're only able to hear the short title and when the short title itself is not read, then we are at a total disadvantage, so I would like to move for reconsideration on whatever calendar number the bill immediately before the last bill was read.

ACTING PRESIDENT KUHL: Moved by

Senator Hoffmann to reconsider the vote by which Calendar Number 1153 passed the house. Clerk will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is before the house.

Senator Hoffmann.

SENATOR HOFFMANN: Explanation, Mr. President.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation has been asked of Calendar Number 1153 by Senator Hoffmann.

SENATOR STAFFORD: Once again, I think, Senator, that it is a very good point, a valid point that this should be discussed. It's something a lot of us have talked a lot about, and this is a concurrent resolution. Of course, it will be passed by hopefully this Legislature and then the next Legislature that's elected and then voted -- voted upon.

Now, I don't mean to be overly

brief, but I am advised and I've looked at it, and I also wanted to just make this point, that I've tried to look at every piece of legislation that's gone through here. Someone said I hadn't looked at it, and I wanted to make it clear - it was not you -- that I had. But it stops all back door borrowing, it stops it and it stops one shots, that title which all of us have been concerned about, and it's time we do it. No question about it and, as we all know, we don't even have to talk about it. We just stop it, and next when we do incur debt, we have revenue bonds which have a tax to pay them when it is passed, and that's important.

The interest is capped at 4.4 percent on personal income if you buy these bonds. My counsels are arguing. As soon as they decide here, I will share with you -- I was wrong. It is not the tax, but the amount of revenue bonds that can be issued is capped at 4.4 percent of the state personal income. I wanted to make sure that that was accurate.

ACTING PRESIDENT KUHL: Senator

Hoffmann.

SENATOR HOFFMANN: On the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Hoffmann on the bill.

SENATOR HOFFMANN: I appreciate Senator Stafford's explanation, and I recognize the obvious difficulty in being totally familiar with all of this complex financial legislation coming out at 2:22 a.m. on July -- June, tell me that again, but we know it's not April and it's certainly not March -- on June 7th or 8th, take your pick.

What concerns me is the fact that this particular piece of legislation does not need to be passed tonight. It's one that cannot become law until it is passed by the voters of this state in a referendum. Obviously between now and whenever we adjourn this session for the year, we have numerous opportunities available to us to take up this issue.

A matter as serious as one which attempts to clean up the state's back door

borrowing should not be rushed to the floor at 2:20 a.m. in the middle of budget deliberations on things that affect this year's budget alone, and I for one cannot understand why we are not proud enough of this piece of legislation to have public hearings on it.

Let's give the people out there who have criticized us so roundly an opportunity to hear this work product before we take action on it and make sure that they do agree that we're on the right track. I mean, after all, we know that we have lost confidence of many of the taxpayers in this state. There are many businesses that would -- would scoff at us no matter what we did, but if this is, in fact, such an important piece of reform fiscal legislation, then why are we doing it under the cover of darkness?

I'm afraid that the only reason for doing it now is the same reason that was operative last year when we passed a similar but more seriously flawed measure. This is the second time around for a so-called debt reform

bill. Last year the bill that was presented to us showed up in the middle of April and it was presented to us just before this Legislature raided a dedicated fund, a "locked box" fund. It was referred to by some people as the "stop us before we borrow again" bill, and this one claims that we would never do again what we were about to do that night. After we raided the locked box to pay debt service on bonds floated by the Thruway Authority and the Triborough Bridge and Tunnel Authority and other selected transportation projects, we said in 1993 in April that we would not do that type of borrowing again, and we outlined a series of ways in which we were going to clean up our act. It was presented to us in a -- at least to me and to most of the Democrats I assume -- it was presented to us in a closed door party conference, not in a Finance Committee meeting, not in a public hearing. It was presented to us in the middle of night in a political arena.

We were told at the time that the Comptroller liked this bill, Comptroller Regan

at the time. We were also told, at least I was told when I asked a question, I remember because I was very concerned, what the raters thought of the bill and I know that some of my colleagues on the other side of the aisle -- Senator Stafford is nodding his head -- will remember that we were all convinced that this has been all negotiated and was satisfactory to people like the raters who were very worried that we had dropped to the very lowest in the nation or the second lowest rating in the nation according to who was making that announcement today.

I stayed up with a couple members of my staff throughout the night reading through the bill and trying to sort out what it did and didn't do, and I was appalled when I actually read the fine print, because I discovered that the -- that the proposal that we passed last year would actually allow the state to double its debt without voter approval, and I want to remind all of my colleagues that we right now have some $20 billion in debt in this state.

We have a small surplus this year

which we could have used to pay off some of this debt and in many businesses that would have been the logical business decision to make in a profitable year, to pay off some of the debt, reduce operating costs, but we're not doing that. For some reason, we continue to spend when we have a little surplus and we accrue this tremendous, or tolerate this tremendous amount of debt, and now what we're doing is really playing a small numbers game that will reassure people to some extent that we're not going to engage in continued growth debt, but this is not in any way a serious attempt to clean up our debt problems.

The Comptroller had presented a proposal earlier this year that would have had a cap on the percentage of personal income that can be used for debt and would have said that there would have been no economic emergency under which a -- a non-voter approved bond could be floated, but I understand that, from a very -- from the very limited information I have available tonight -- I only received it this

afternoon when the bill finally reached my hands -- that this measure, if I understand it correctly, will allow the -- the definition of economic emergency to -- to circumvent the cap that is within the fund.

The economic emergency is defined as a three percent decline in employment which obviously is a -- is a reasonable enough emergency to require some action, but I'm not sure that the taxpayers of this state would find even that to be an appropriate reason for us to circumvent a rule that prevents back door borrowing. I think that many of them would still see this as back door borrowing.

One of the other things that I'm, frankly, at a very big loss to understand is why the Legislature in accepting or devising this particular plan, seems to have opted out from any kind of long-term oversight. Comptroller McCall, in presenting his plan to us, had a - had a proposal that the Governor would submit a detailed multi-year plan. The Governor would hold public hearings and the Legislature would

have to act on a five-year plan.

That has all been reduced to the Governor submitting a capital plan. What has happened to the concept of public hearings and what has happened to the concept of the Legislature exercising its responsibilities for reasonable fiscal oversight and having the responsibility to implement a five-year plan?

I believe that that's a responsibility that we have accepted as members of this Legislature. I believe it is not one from which we should be allowed to abdicate tonight in the interest of political expediency just so we can claim in press releases tomorrow that we did some debt reform. Therefore, this budget is not as bad as it was or perhaps being as late as it is, we should not be castigated so much because at least we did something called debt reform.

I think this is an inadequate debt reform plan. If it is an adequate plan, it deserves a public hearing and at the very least it deserves to be discussed by daylight, and it

deserves to be presented to the people of this state so that we can have their input well in advance of having to take a vote on it.

It is not in any way able to become law. It's a Constitutional Amendment. It cannot become law until it is passed by this and another separately elected Legislature, so it cannot become law until 1995, the fall of 1995 following a public referendum. So there was absolutely no urgency for us to vote on this bill tonight.

So I would ask Senator Stafford and Senator Present to please seriously reconsider the loss of confidence that the taxpayers of the state have in us when we behave in this manner, and I would ask you to consider the possibility of withdrawing this measure tonight so that we could debate it following public hearings in a more timely fashion over the next few weeks.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Jones.

SENATOR JONES: Yes. I, too, would like to speak on this bill.

First of all, let me -- let me just go back to my old school teacher days and the jokes that are always told about keep doing something until you get it right. Well, we did something again, but I have to say we still don't have it right, in my opinion.

It was mentioned at the Finance Committee today that no one was interested, there was some hearing held in New York City on this. Well, probably my invitation got lost in the mail or something. I was not at that hearing. However, I have been interested for the entire year. I did have a hearing myself on it. The Comptroller was at the hearing. I have been in contact with him on debt reform and it's an issue that is very important to me.

I think we did look pretty foolish last year. I've again reread many of the articles that were written after our last debt reform attempt and, you know, the holes they talked about. Well, this definitely does

plug up a few of them but, in my opinion, there are still holes in the plan.

We did -- we had it capped out at 1 percent, but we've let it climb again to 4 percent. Again, it's on new -- new debt and here we are with the enormous debt that we're sitting here looking at now. The exceptions are still there, and I personally don't believe there should be any. We -- I think all of our long-term debt should be voter approved.

Again, I have to agree with Senator Hoffmann, this is too serious an issue and, in my opinion, too important to the voters out there that it needs to be taken lightly. We should have held it off. We should have put more effort into it. I applaud both the Comptroller and the Governor's efforts to at least try to get this out here to discuss, but I still think we've left a lot of things that need to be fixed if we are really going to get on a sound fiscal plan for this state for the future.

So I would concur with Senator

Hoffmann that this could be put off, and certainly not dealt, a serious subject like this, at 2:30 when we have been around here for the last two months with, in my opinion, lots of time where we could have discussed it and perhaps plugged up some of these holes that I feel are still in this bill.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying aye.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: If I may explain my vote.

(Response of "Aye.")

ACTING PRESIDENT KUHL: O.K.

SENATOR LEICHTER: First time this resolution came before us just half an hour ago, I voted for it because I think it's important to have debt reform, but I must say that I was convinced by the argument that Senator Hoffmann made, which is that there's no

need to pass this at this particular time in this hour with so little chance to get public input.

We ended up with egg on our face last year. We passed debt reform. We all congratulated ourselves and then we found what we did was highly insufficient. We looked foolish. We may be doing the same thing again.

Not only so that we know that we're not making a gross error again, but to let the public, the people who are affected by this an opportunity to be heard -- I guess there's some argument to be made, Well, we got to pass the budget; we're already 66 days over. People are desperate to have a budget, you got to do it even though it's the middle of the night and there hasn't been a chance for any public input.

But why this resolution? Why can't this wait one week, one month, two months? It's not going to be on the ballot until November. I think Senator Hoffmann is absolutely correct, and I vote in the negative,

Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter will be recorded in the negative.

Announce the negatives.

THE SECRETARY: Those recorded in the negative on Calendar Number 1153 are Senators Dollinger, Hoffmann, Jones, Leichter, Nanula, Oppenheimer and Senator Pataki.

ACTING PRESIDENT KUHL: The resolution is adopted.

THE SECRETARY: Ayes 53, nays 7.

ACTING PRESIDENT KUHL: The resolution is adopted.

SENATOR HOFFMANN: Mr. President.

ACTING PRESIDENT KUHL: Senator Hoffmann.

SENATOR HOFFMANN: A point of clarification. Is the second bill -- is the bill that came in sequence following Calendar 1153 a language bill that addresses the same resolution?

ACTING PRESIDENT KUHL: Senator Stafford, would you like to address that

question?

SENATOR STAFFORD: Sure. I'm sorry, just quickly what did you say?

SENATOR HOFFMANN: The debt reform amendment, that resolution that just passed, is the -- is Calendar Number 1154 a companion to that or is there a companion to that bill? Since we're dealing, due to the bankers' case, we're dealing with two pieces of legislation on several of these measures, is that such a measure?

SENATOR STAFFORD: I believe, now -- am I correct this is 1153 -- that we're talking about right here what you just asked about and then we have another one, it's a capital planning bill which implements the plan.

SENATOR HOFFMANN: But the debt reform is a single bill, it is not a dual piece of legislation?

SENATOR STAFFORD: Single.

SENATOR HOFFMANN: Thank you.

ACTING PRESIDENT KUHL: Senator

Present.

SENATOR PRESENT: Would you recognize Senator Stafford, please?

SENATOR STAFFORD: You're not going to start in, are you, asking questions?

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: Could we please announce an immediate meeting of the Committee on Finance in Room 355 -- they told me that. It's 332. The meeting's in 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Committee on Finance, Senate Committee on Finance in Room 332.

Senator Jones.

SENATOR JONES: Yes. Due to the fact that we do not have calendar numbers, there is confusion. In my opinion, 1149 is a companion bill to the debt. I would like to have unanimous consent to be recorded in the negative on 1149. I believe that -

ACTING PRESIDENT KUHL: Without

objection, Senator Jones will be recorded in the negative on Calendar Number 1149.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, can I have the same deference shown as Senator Jones with respect to the bills she mentioned, 1149 and 1153. I, frankly, did not have the calendar number, and the bills in sequence, so I would like to have unanimous consent to change my vote on that bill to the negative.

ACTING PRESIDENT KUHL: Calendar 1149, without objection, Senator Dollinger will be recorded in the negative on Calendar Number 1149.

Senator Hoffmann.

SENATOR HOFFMANN: I would like to make the same request but also would like to request in the interest of common sense if we could simply have a one-page calendar that would give us a short title on the bill with the Sen ate numbers on them. It's been very difficult to try to keep track of them.

ACTING PRESIDENT KUHL: Without objection, Senator Hoffmann will be recorded in the negative on Calendar Number 1149.

Senator Mendez.

SENATOR MENDEZ: Mr. President, there is going to be an immediate meeting of the Democratic Conference. Immediate meeting.

ACTING PRESIDENT KUHL: There will be an immediate -- an immediate meeting of the Democratic Conference in the Minority Conference Room.

Senator Present, we have several pieces of housekeeping we'd like to do at the desk.

SENATOR PRESENT: All right.

ACTING PRESIDENT KUHL: Before that, Senator Nanula.

SENATOR NANULA: Mr. President, I also ask unanimous consent to be recorded in the negative on Senate Bill 1149.

ACTING PRESIDENT KUHL: Without objection, Senator Nanula will be recorded in the negative on Calendar Number 1149.

The Chair recognizes Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Trunzo, I call up his bill Senate Print Number 3473, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Clerk will read.

THE SECRETARY: By Senator Trunzo, 3473, an act to amend the Public Authorities Law.

ACTING PRESIDENT KUHL: Senator Libous.

SENATOR LIBOUS: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

ACTING PRESIDENT KUHL: Bill is before the house.

SENATOR LIBOUS: Mr. President, I

now offer up the following amendments.

ACTING PRESIDENT KUHL:

Amendments are received and adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Lack, on page 6, I offer up the following amendments to Calendar Number 346, Senate Print 6680-B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL:

Amendments received and adopted. Bill will retain its place.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Mr. Stafford, Mr. President, I call up his bill Print Number 437-C recalled -

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Stafford, Senate Bill Number 437-C, Environmental Conservation Law.

SENATOR LIBOUS: Mr. President, I now move to reconsider the vote by which the

bill is passed.

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

SENATOR LIBOUS: Mr. President, I now offer up the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

THE SECRETARY: On page 33 of today's calendar, Senator Marino moves to discharge the Committee on Rules from Assembly Bill Number 8386-A, and substitute it for the identical Third Reading 1144.

ACTING PRESIDENT KUHL: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President, I ask the Senate stand at ease awaiting a report of the Finance Committee.

ACTING PRESIDENT KUHL: The Senate will stand at ease awaiting the report of

the Senate Committee on Finance.

(The Senate stood at ease from 2:42 to 3:50 a.m.)

ACTING PRESIDENT KUHL: The Chair will recognize Senator Present.

SENATOR PRESENT: Mr. President, I would urge all members to return to the chamber. We'd like to proceed, if we might want to leave in the next hour or so.

ACTING PRESIDENT KUHL: Please ring the bell; Secretary will convey the request from the acting Majority Leader that all members return to the chamber to their positions ready to proceed with the balance of the budget bills.

....At 3:58 a.m....

ACTING PRESIDENT KUHL: The Senate will come to order. Return to reports of standing committees. Ask the Secretary to read.

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

Senate Bill Number 6453-A, Senate Budget Bill, an act making appropriations for the support of government;

Also Senate Bill Number 8548, by the Committee on Rules, an act to provide an apportionment of education aid for school session days held on Veterans Day;

Senate Bill Number 8549, by Senator DiCarlo, an act to amend Chapter 713 of the Laws of 1993, relating to an apportionment of state aid for certain salary expenses;

Also Senate Bill Number 8599, by the Committee on Rules, an act to amend the Tax Law, in relation to the imposition of the taxes related to fuel use and authorizing the Commissioner of Taxation and Finance to enter into cooperative agreements;

Senate Bill Number 8609, by the Committee on Rules, an act in relation to certain provisions which impact upon the expenditure of certain appropriations made by a chapter of -- Chapter 53 of the Laws of 1994.

All bills reported directly for

third reading.

ACTING PRESIDENT KUHL: Without objection, all bills are reported directly to third reading.

Senator Present.

SENATOR PRESENT: We call up - want to recognize Senator Farley.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. Thank you, Senator Present.

I just want to make an announcement that the Banks Committee which is scheduled for 10:00 o'clock today is canceled and will meet next week.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, can we take up Calendar 1158, please.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1158.

THE SECRETARY: Calendar Number 1158, Senator Stafford moves to discharge the

Committee on Finance from Assembly Bill Number 11854 and substitute it for the identical Senate Bill 8599.

ACTING PRESIDENT KUHL: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Is there a message of necessity at the desk?

ACTING PRESIDENT KUHL: Secretary indicates there is, Senator Present.

SENATOR PRESENT: I move that we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1158. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

The Clerk will read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

SENATOR HOLLAND: I'd like to -

ACTING PRESIDENT KUHL: Senator Holland to explain his vote.

SENATOR HOLLAND: I'd like to just speak a little bit about finger-imaging. We're disappointed, of course, that we weren't able to expand finger-imaging statewide but we're happy that we were able to expand it into 12 districts.

What we want to point out is that the 12 districts do not preclude any other district or city from moving on their own into finger-imaging. In fact, we want to encourage them to do that and offer our help in any way we can. Also next year in this budget process we will make every effort to expand this above the 12 and to the complete state.

ACTING PRESIDENT KUHL: Senator

Pataki to explain his vote.

SENATOR PATAKI: Mr. President, if I might briefly on the bill.

I have consistently, during the course of this budget debate, voted "no" to the vast majority of the budget bills that we have adopted so far, and I must also vote "no" again to this tax bill, and I think the reasons are very simple.

If you look at this budget in its entirety, this budget increases state spending from last year by more than $4.3 billion. If you asked the people of this state last year if they thought that this state spent enough or spent too much or spent too little, I think the overwhelming majority would have said that this state government spends too much; and yet this year, again, we see a massive increase in spending, more than 7 percent increase over last year, more than two and a half times the rate of inflation, and I think when you look at this in the context of the budget of this Governor over the prior 11 years, it again shows that we

haven't put in place the fiscal restraints necessary to have true, deep, realistic and important tax cuts adopted.

First, let me briefly comment and thank Senator Marino and my colleagues here on the Republican side in the state Senate for their efforts to cut spending and to have broader and deeper tax cuts. Senator Holland mentioned the Senate's fight to extend the finger-imaging program across this state. That was blocked.

This state Senate has, year after year, enacted legislation which would put in place a spending cap that would have precluded and prevented this massive increase in spending from being adopted again this year. This state Senate has, time and again, adopted significant and major welfare reform legislation that would cut the cost of this state government and has for a long time argued for agency consolidation and other measures to cut the cost of state government.

If you want to look at what this

state should be doing, take a look at what this Senate did on April 2nd when we passed a tax cut package in excess of $700 million, a tax cut package that could have been even far greater because at that time we didn't know the magnitude of the surplus that, in fact, ended up being available for fiscal '94-95.

So while this pack... this bill pending before us has a number of very positive initiatives, cuts that this Senate Majority has argued for, for some time, and are now being adopted, it retroactively again puts off and raises the personal income tax rate. It again retroactively raises the so-called temporary corporate surcharge so that the effective rate will be 12.5 percent this year instead of the 10 percent called for by present law; and I might point out that earlier this year our Comptroller Carl McCall said that that is not a tax cut, it is a tax increase because it raises the tax rate from what would be the case under current law.

So, Mr. President, I am constrained to vote against this bill as I have

voted against most of this budget package because we simply cannot afford again a budget that increases spending by more than two and a half times the rate of inflation and that continues the policies of Mario Cuomo that have made us number one in spending, number one in taxes and number one in job losses in this country.

So, Mr. President, again, my thanks to my colleagues here. We should have seen the Governor get behind that tax cut package that this house passed on April 2nd. We should have worked to make it broader because of the increased revenue that came into this state, but unfortunately there's only so much the Senate can do on its own, and I think we need to see a budget that truly cuts taxes.

Mr. President, I vote in the negative.

ACTING PRESIDENT KUHL: Senator Pataki will be recorded in the negative.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator

Gold to explain his vote.

SENATOR GOLD: Yeah, Mr. President.

I know we're in -- getting into a political season and we're not going to solve all the problems certainly tonight; but some things were just said which are just so hypocritical and outrageous that they require a short answer.

I'm amazed, every year, every two years the same nonsense. Same nonsense. You read in the newspapers about these three-way negotiations and it's not fair, three-way negotiations. You talk about three people in a room, this whole thing, and the Speaker is doing this and the Majority Leader is doing that and then there's the Governor over there, and then finally this year over 60 days late we wind up with a budget, and we didn't even finish -- we didn't even finish voting on it when some Republican in the Senate stands up and starts talkin' about this budget like you fellows have been on Mars.

What a crock! The Governor sent up a budget, and the way I understand the numbers, the budget we're passing now is more money than he sent up. But where did that extra spending come? It came from you as well as everybody else.

You talk about tax cuts. This is a Senate Majority that, in the last few years has voted proudly, your 31 votes, for $5 billion in new taxes, and you're going to point to "the Governor made me do it, the Governor made me do it." We are mindless puppets that the Governor made us do it? And that's just junk! The argument is junk! It is ridiculous, and I would certainly hope that, as we're getting into a political season, we can at least increase the level of rhetoric to something intellectually deserving of this legislative body and of the people we represent.

They deserve more, and I can't believe the people of this state are going to consider changes in an administration just by people saying the same old junk. It's the

Democrats that spend it, the Republicans that cut. Nonsense! This budget, every word of this came to our Conference today to take a look at principally for the first time. You people put this together, along with the Governor and the Assembly and, if you think we're going to let you forget it, well, you better forget that notion. And the concept of somebody coming in and saying, "Remember, I voted no" and "I voted no for this" and "I voted no for that," well, O.K., if the people of the state of New York think that a negative is going to replace the positive, I don't believe that either.

I haven't heard one constructive thing. Anybody can sit around saying "No," and "I don't know, I don't know," and this and that. The fact of the matter is every Republican member of this Senate was intimately involved with this budget. It's your budget as the other ones have been and, if we are doing some tax cutting in an affirmative way that's good for the people, well, I'm proud to help cut some of the taxes you imposed because without the 31

votes of the Republicans in this house those taxes wouldn't be on the books and, if it wasn't for the Republicans in this house, we wouldn't have an awful lot of spending in this budget.

So at least have some pride in what you do. Don't run away from it constantly and don't keep pointing to the Second Floor. Mario Cuomo's a pretty strong guy for a fellow his age, but he's not strong enough to take the 35 of you and twist you and bend you to make you do all of the taxing you've done over these years and to be able to stop you from the spending you've done.

I vote yes.

ACTING PRESIDENT KUHL: Senator Marchi to explain his vote.

SENATOR MARCHI: Explain my vote.

I've been here a long time, and I've taken pride in each and every year that I've put into this house, and I think all of you, every member of this, no matter what your positions were, you all participated in the

process, and we have every reason to feel proud of what we have done today. I'm not going back home ashamed. I'm going home tall and proud.

I vote aye.

ACTING PRESIDENT KUHL: The Secretary will announce the results.

Senator Dollinger, explain your vote? We're on a roll call, Senator Dollinger. Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1158 are Senators Dollinger, Nanula and Pataki. Ayes 57, nays 3.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up Calendar 1155.

ACTING PRESIDENT KUHL: Secretary will read Calendar 1155.

THE SECRETARY: Calendar 1155, Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number

9103-A, and substitute it for the identical Senate Bill 6453-A.

ACTING PRESIDENT KUHL: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity at the desk for 1155?

ACTING PRESIDENT KUHL: I'm informed by the Secretary that there is.

SENATOR PRESENT: Mr. President, I move that we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message on Calendar Number 1155. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

The Secretary will read the last section.

SENATOR LEICHTER: No, no. Mr. President, can we have at least -

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yeah, with all due respect, Senator Hoffmann made an excellent point before. Senator Leichter makes the same point. We are being very, very cooperative, but as the bills are called, it is not enough to do the numbers; if we could just get the title and if Senator Stafford would be kind enough to give just a brief explanation and I mean brief, so that we all know we're on the same course.

ACTING PRESIDENT KUHL: Secretary will read the title of the bill, Calendar Number 1155.

THE SECRETARY: Calendar Number 1155, substituted earlier, Assembly Bill Number 9103-A, an act making appropriations for the support of government, to amend Chapter 50 of the Laws of 1994, enacting the state operations budget; to amend Chapter 54 of the Laws of 1994, enacting the capital projects budget and to amend Chapter 51 of the laws of 1994, enacting

the Legislature and Judiciary budget, aid to localities budget.

ACTING PRESIDENT KUHL: Senator Stafford, for a brief explanation.

SENATOR STAFFORD: Thank you, Mr. President.

Continuing on in good humor, I will make some specific references, but I won't go into too much detail, but we certainly will and have the obligation of answering any specific questions, and it is a very detailed bill.

SENATOR LEICHTER: Is this the aid to localities budget?

SENATOR STAFFORD: Aid to localities. Yes, thank you.

ACTING PRESIDENT KUHL: Secretary read the last section.

Senator Waldon.

SENATOR WALDON: Mr. President, I believe I have an amendment at the desk. I wish to waive its reading and to speak to my concerns.

ACTING PRESIDENT KUHL: Senator Waldon to explain his amendment to the Calendar Number 1155.

SENATOR WALDON: My colleagues, so many years ago the Community Services Society of New York City was running a program in Southeast Queens. People like Theodore Jackson, Arthur Benjamin and myself, on a very regular basis, gathered at "T" Jackson's home and from that experience was created the Jamaica Service Program for Older Adults which has, since 1978, been the most viable service provider to senior citizens of all colors, all ethnicities, in Southeast Queens. They never have been rated less than doing a great job by all of the entities which come into contact with them in terms of making judgments about their performance of service.

Under the new administration in the City, a three-year contract was snatched from the Jamaica Service Program for Older Adults and given to a private sector corporation with the name Personal Touch. This company, to

my knowledge, has no real contacts with the Southeast Queens community and, in fact, the federal government's Aging Law requires that the people who service the elderly reflect their ethnicity and be allowed to have a personal relationship whenever possible because seniors are very frightened by having strangers come into their homes and come into their lives.

I did not act too cavalierly in my response to what I thought was an egregious wrong by the new administration. I spoke with the director of the program, a lifelong friend, Carol Hunt. I spoke with the board members. I spoke with my wife, who serves on the board and has been very active with this organization now almost 20 years. I then spoke with the new Commissioner for Aging, whom I had met many years ago through Dr. Lorraine Colville, also a lifelong friend, and Commissioner Stupp, after much dialogue, said to me, "Well, this was what Dinkins did. It really wasn't my decision."

That won't wash, because the decision to take this contract, over a million

dollars, which will in effect decimate this organization in my community, was made by this administration.

It was unwarranted. It was untimely. It will put 29 African, Caribbean American women out of work. In that regard the Commissioner said, "Well, we intend to interview them. We will hire them." One, Personal Touch pays much less. It doesn't have the same benefits package, and there's no guarantee that one of those women, almost to the person who is a head of household, single parent will be hired by this organization.

So many things are happening with this rape of the Jamaica Service Program for Older Adults. There will be people out of work, senior citizens from our community will be less served, and it is unfortunate that this insensitivity has been shown to the people I serve in Southeast Queens.

And so I ask that we, in our wisdom, do the following: That we amend the bill that we're considering so that it will say as

follows: Beginning with line 2, after "providers," "provided, however, the city of New York shall contract for these services with only not-for-profit service providers located in the city of New York," and that at line 6, page 3, between lines -- I'm sorry, between lines 47 and 48 on page 3, insert "for services and expenses of Jamaica Service Program for Older Adults, $1,132,000."

A lot of money for this area, a lot of service for the senior citizens who, in their twilight years, should be allowed some modicum of sensitivity by those who service them.

I beg you to join me in this effort and make whole the Jamaica Service Program for Older Adults and allow the seniors in my district to have the same kinds of services as in other areas of the city.

By the way, Senator DiCarlo is suffering the same wrong. Over 50 percent of all of the contracts let by the Department of Aging were given to this one company. It is

wrong, my brothers and sisters. It is wrong. Let's make it right.

ACTING PRESIDENT KUHL: The question is on the amendment to Calendar Number 1155. All those in favor of the amendment signify by saying aye.

(Response of "Aye.")

Opposed nay.

(Response of "Nay.")

ACTING PRESIDENT KUHL: That's a close vote, but the amendment is defeated.

Senator Markowitz, on the bill.

SENATOR MARKOWITZ: Thank you very much, Mr. President.

Back in 1971, Medgar Evers College of the City University began as a four-year institution of higher education, specifically devoted to providing quality education with a sensitivity towards African American and Caribbean-American students in Brooklyn and indeed beyond Brooklyn, but especially in recognition of the contributions to the fight for civil rights made by Medgar

Evers, they named a school in his honor and that school grew.

And then in 1976, the City fiscal crises stripped Medgar Evers of four-year status and relegated the school, one of the first in New York State devoted to African-Americans and Caribbean-Americans, stripped them of their four-year status and relegated them to junior college status. Now, there's nothing wrong with junior college status, but when you're a senior college and then becoming a junior college, you can understand, I'm sure, the outrage that many Central Brooklyn residents felt, especially people of color.

In 1979, I was elected and the rallying cry from that day and before and up until this very moment has been restore four-year status, return to the community, return to Central Brooklyn that which it was due, that which should have never been taken away, and I want to really thank at this time, if I can, Speaker Sheldon Silver, and before him, Mel Miller, Stanley Fink, our leaders here

in the Senate, Ralph Marino and Fred Ohrenstein, the committee that's worked very, very hard, Kenny LaValle is chair, it took many, many, many -- sometimes you have to wait a long time, sometimes you have to wait too long for good things to happen. Luckily for us, the last few years we were blessed with the appointment of a president of Medgar Evers, Dr. Edison Jackson who, by the way, is listening to us at this very moment at a retreat down in Virginia and I know he's waited for this day for many years. I know Senator Galiber and I, Senator Velmanette Montgomery, Senator Ada Smith and members especially of the Brooklyn delegation Martin Connor, and others, all of us, this is a very proud evening or morning, whichever way you look at it.

Under Dr. Jackson's leadership, there's no question that educational excellence has been seen and his promise of creating Medgar Evers as a flagship of the City University will be much easier to reach because of the return of senior college status that is happening this

evening.

I thank you very, very much. It's a dream come true. There are going to be a lot of happy people tomorrow. Those people in our society that aspire to make their lives better for themselves and their families will be aided immeasurably because of the action of the state Legislature today.

I commend those that made this possible, the Black and Puerto Rican Caucus in the state Senate and in the state Assembly, and all of us that care about providing quality higher education, regardless of background, nationality, race, color and religion.

Thank you very, very much.

ACTING PRESIDENT KUHL: Senator Galiber.

SENATOR GALIBER: Go ahead.

SENATOR LEICHTER: No, yield to you, Joe.

SENATOR GALIBER: Yes, Mr. President.

I'll be extremely brief on a very

important topic, and that is the educational formula for the city of New York. Those of us who have spent most of our life here have been working industriously in this Senate body to try to change the formula. We tried through hearings, Mr. Chairman, to ask the new Mayor of the city of New York whether he would then be responsible for giving to education, which is our youngsters, the monies that we would appropriate. He did not give us a correct answer, in my judgment. He said no, he wouldn't or he was non-committal, which means no, he would not.

We are happy to see in this year's budget, for whatever the reason is, there's been a growth in education and I notice that some of my colleagues from the city of New York which, it's late, I would normally have asked them some questions about, in all candor the Republican mayor that we have in the city of New York, what they have done with the view toward bringing equity to the educational system in the city of New York and based on the

formula.

We have long been fighting for that formula which is unfair. New York City has 37 percent of all the students in the state, but it does not receive the equivalent percentage.

We recognize that New York City received some 34.61 in total aid this year. Again, I'm not quite sure how much of this will go actually to the pupils in our school system. This class size, which we've mentioned over and over again, some 63 percent of it above state average in terms of school population. We recognize that out in Nassau and Suffolk, that the classroom population is much less. We thought, very frankly, that inasmuch as we had a Republican mayor in the city of New York that perhaps those equities would be changed and shifted over because I think in all sincerity there's no one in the sound of my voice who would not agree that we're primarily concerned with educating our youngsters. This formula does not do that.

And I can go on with the

computers, one for every 19 students and New York City has 82 percent of the limited English proficiency students, 51 percent of all severe disability students, so in the urban center and based on population, our needs are greater and they've been great for a long while, but we have not been able to convince those persons who are from the City, some of my colleagues who in their heart's heart recognizes what students need in our city to join, if you will, in a special effort to change that formula.

We have some hope that the executive branch of government is now guided by -- not guided, but we certainly have a Republican mayor and from a political standpoint we were hoping that that would make a difference in terms of the formula.

So I thought, Mr. President, I'd like to reflect that on the record. It's a fight that has taken longer, if you will, than four-year status for Medgar Evers. It's been much longer than that, 27 years, and John Marchi as well as others of us have been interested in

changing that formula, but up to date nothing has happened.

So I'm happy, Mr. President, with my colleagues that we see that increase which was a struggle because from day to day even to this last 24 hours, there's some $21 million hanging out there before the discrepancy, I believe, within education was resolved. But it hasn't gone far enough, and I'm hoping that we still have some opportunity before this session ends to remedy some of this, because we're talking about -- I'm sure we've heard before it's a truism, an almost special commodity which is the youth of our state.

We've lost a generation of youth, especially in our urban centers. There's absolutely no need with high technology and the ability of some of the teachers that we have, who are doing a good job by and large, to recognizing that teachers in overcrowded classrooms are mere monitors, grown up, highly paid monitors, and they're not teaching our youngsters, which is the future of our state and

the future of our country.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President.

Senator Galiber really made the point that I wanted to make. I think it's a terribly important point, I'm sorry that it's at this late hour, but we're really dealing with one of the major issues in the public affairs of this state, and one of the major problems and that's the inequity of school aid in the city of New York, and it really is inexcusable.

I think one thing has to be made clear, that the Speaker of the Assembly fought very hard to get school aid for the city of New York increased not more than our share, just to try to move towards our share.

Senator Galiber gave you the figures of 37 percent of students and yet the amount of school aid that the city of New York is going to receive overall is 34.61. Under the

Governor's proposed budget, it would have been higher, but once again we find that -- in the Republican Majority in this house, the total disregard for the needs of the city of New York, and I'm sorry that there's a disregard for what I can only assume was the effort and the attempt of those Senators in the Majority from the city of New York to try and get a fair share of school aid for the city.

I just want to point out some of the really frightening statistics that show the extent of this inequity. New Yorks share of students with limited English proficiency is 82 percent; New York's share of kids in supplementary education program is 61 percent. New York City average class size is 20 percent to 63 percent greater than the rest of the state. New York City average compute -- has one computer for every 19 students, and in the rest of the state, it's one for 13. What makes it even more inequitable is that the greater amount of state revenue is raised from the city of New York.

Now, Mr. President, there are some people who would like to see part of the state secede and become another state. That would lift a great burden from the city of New York, and we'd be able to have a greater and enriched educational program.

I'm not suggesting that we actually proceed with that, but I do suggest that we finally move towards equity, and it's regrettable that if we moved at all this year it's at a snail's pace.

This budget is still unacceptable as far as school aid for 37 percent of the children of the state, 37 percent with greater need. This budget discriminates against those children.

ACTING PRESIDENT KUHL: Senator Stavisky.

SENATOR STAVISKY: Apart from the issues that have already been raised with regard to the funding formula, let me suggest that there is an additional problem, the problem of what happens when the money is sent from the

state of New York, from the Legislature and the Governor to the various school districts.

In all but five of those cases among the more than 700 school districts in the state of New York, no local official, mayor, county executive, town or village official, has any right to control what happens to the state aid to education funding. That goes directly to the New York -- to the New York State school districts outside of the "Big Five" cities.

During the past year and during the past few months, we have witnessed what many consider to be a tragedy in the polarization between the board of education and City Hall. There was almost the resignation of a chancellor of the New York City school system, and a sabre rattling that can do know good for the reputation of the school system or the reputation of the mayor's office.

I've heard more sabre rattling. "No, we will not accept the additional state aid to education" is one variation on the theme from City Hall. "No, we will not use the money,

the increased aid to education, for the schools" is another variation on the theme.

Let me state again something that everyone in this chamber already knows, that education is not a mayoral agency. Education is a state responsibility vested in the Legislature by the provisions of the New York State Constitution, and we are the ones who have created school districts, and we are the ones who appropriate the money for every single school district.

It seems to me that wisdom, both at the board of education and at City Hall would call for a more collaborative effort on the part of both sides because New York City, unfortun ately is caught in what is called a fiscally dependent school district where the final budget for education passes through the municipal budgetary process.

If that is done fairly and evenly, if that is done with sensitivity, there should be no arguments between the city government and the board of education. In a

school district such as Rochester, there is generally a formula that is agreed to as to how the local funding will be apportioned for education in addition to the state aid, and it seems to me that that good sense covenant between education and the municipality could well succeed in the New York City school system.

That is not to say that waste or incompetence or an over-bloated bureaucracy should ever be tolerated. No taxpayer dollars should be wasted, whether they're state dollars or local tax levy money. But there cannot be a situation where the intention of the Legislature expressed tonight in appropriating to the New York City school system over $3 billion with a $187 million increase, should not reach the children in the school system who need it and deserve it, and that's the message we're sending.

Some years ago in 1976, when there was a Democratic governor and a Democratic mayor of New York City, many of us of the same

party and many who are Republicans, joined together in a rallying cry that education should not be made the sacrificial lamb when it comes to fairness in municipal budget-making and we enacted a piece of legislation that I shared with our colleague here in the Senate. It was called the Stavisky-Goodman bill, and over the objection of the mayor of my party and a Governor of my party, that Stavisky-Goodman bill became a Stavisky-Goodman law, to guarantee that money that we appropriated would be used fairly in the city budget.

Do we have to resort to other remedies such as requiring a maintenance effort by the city of New York in its tax levy and appropriations so that they would use the state aid not to supplant local assistance but to supplement local assistance? Or do we have to travel the extra step and have a New York City school system which is separate from the municipal government, which is what happens in virtually every district throughout the state of New York?

No one in this chamber would allow a county executive, a mayor, a town or village official. To strip the school district bare in order to balance a local budget, and it shouldn't be done in this case either.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Lack.

SENATOR LACK: Thank you, Mr. President. I'll try to be brief considering the time in the morning.

All sorts of things, I guess, can happen when it gets to be 4:30 in the morning and you want to talk about budget. I must say I'm somewhat startled after 16 years of being in this chamber. It must be because there's a Republican mayor in the city of New York that I've heard the former chair of the Assembly Education Committee who comes from the city of New York, actually stand up in the chamber and talk about ending school dependency as we know it in the "Big Five" cities.

Since I have occasionally been known to stand up here as well and talk about

ending school dependency, I certainly applaud Senator Stavisky doing so. I look forward to seeing legislation introduced by Democratic members of this house and by the Assembly that are going to do just that.

For the 16 years I've been here, it has been totally unfair in negotiating budgets that we who don't represent the large cities of this state and represent rural and suburban areas are constantly forced to have to get accused by all sorts of Democratic members of this Legislature that all we're trying to do is try and get school aid for our communities when all of you from particularly the city of New York just need to put everything in a big pot and send it down to the mayor of the city of New York regardless how it's spent.

We, of course, can't do that. We have to get revenue sharing for our cities and our towns and our villages. We have to get pre-K handicapped aid this year for our counties because we can't do otherwise, and we certainly can't call a county executive, Senator Stavisky,

and you're quite right and congratulate ourselves on what we've done in school aid and we certainly can't call a school superintendent and ask him to congratulate us on the amount of monies that we've sent into our cities, towns, villages and counties.

You all had the advantage on us for many -- for many a year and while you're out blaming Mayor Giuliani for allegedly taking money that's going to the City and City school system and spending it elsewhere, all I've got to tell you, he had a very good teacher.

In the 16 years that I've been here, I've read time and time again about Mayor Koch and about Mayor Dinkins taking money and buying sanitation trucks with it when it should be going to the school children of New York City, taking money and balancing the budget of the city of New York when it should be going to the school children of New York City, but the one thing I never heard in the 16 years that I was here is to have a member from the city of New York stand up and complain about it.

So, Senator Stavisky, I want to congratulate you now that you finally have a Republican mayor for standing up here and congratulating and saying, Let's end school dependency now. I applaud you, sir. I welcome your legislation when you introduce it.

ACTING PRESIDENT KUHL: Senator Stavisky.

SENATOR STAVISKY: Will Senator Lack yield to a question?

SENATOR STAVISKY: What was the political affiliation of Abraham Beame?

SENATOR LACK: I believe he was a Democrat.

SENATOR STAVISKY: Yes. Is it true there were Democrat members and Republican mayors who, over the objection of Mayor Beame, voted for the Stavisky-Goodman law, although it was vetoed by Governor Hugh Carey, also a Democrat, in 1976, or have you forgotten the lesson of 1976?

SENATOR LACK: I haven't for gotten the message of 1976; I'm just remembering

it's 1994 and too late, too late you're remembering the lesson of 1976.

All I'm suggesting to you, sir, is that it's 1994 -- introduce legislation ending school dependency and I invite every member of the Senate of the state of New York to sign on that legislation to be introduced in both houses of this Legislature.

SENATOR STAVISKY: And you will vote for it?

SENATOR LACK: I will be happy to vote for it, sir.

SENATOR STAVISKY: O.K. You may have a new Lack-Stavisky bill.

SENATOR LACK: No.

SENATOR STAVISKY: You're not signing on so quickly.

SENATOR LACK: No, sir. I would not think of imposing on the city of New York official administration anything as an outsider. I've spent too many years here being accused of imposing this position on the city of New York. If you all, for the city of New York,

want to impose something on the City, put in the legislation.

SENATOR STAVISKY: Thank you.

ACTING PRESIDENT KUHL: Is there any other member wishing to speak on this bill? If not, the Clerk will read the last section.

Senator Padavan.

SENATOR PADAVAN: Explain my vote.

ACTING PRESIDENT KUHL: The Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Padavan to explain his vote.

SENATOR PADAVAN: Mr. President, in respect to all of you and the hour of the morning that we're in, I did not choose to get involved directly in the debate, but I think it's important that some response be given to

the comments read, I think, from a document in front of him by Senator Leichter.

The fact remains that his statements, both in terms of fact and in terms of conclusion were wrong. This 34-37 percent issue that we hear all the time fails to acknowledge the fact that every school district in this state is measured in terms of a formula on attendance and, in that regard, the city of New York gets its share.

But what he should have said is that because of our unique problems in the city of New York regard to the pupil population that we must educate, that we need more than our share. If he had said that, I wouldn't have quarreled, wouldn't take issue. I would not quarrel, and if it wasn't with regard to this budget and the efforts of this Majority, particularly the six of us from the city of New York, I think you do us a disservice, Senator, because if you go through all those documents, you will see 42 million out of 62 million statewide going to the city of New York on

school maintenance. You'll see the lion's share of Magnet money. You will see money for increased enrollment that will largely go to the city of New York. You will see pre-K money, a large chunk of it going to the city of New York in addition to the formula aid that kicks in at over $150 million dollars out of the increase.

Now, if you add up all those components, you see that, as far as the increased amounts being provided in this budget in aggregated, the city of New York is getting the lion's share, and that didn't happen by accident.

I vote aye.

ACTING PRESIDENT KUHL: The Clerk will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1155 are Senators Dollinger, Hoffmann, Jones, Leichter and Pataki. Ayes 55, nays 5.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Now, Mr. President, can we have the title of 1159 read and act upon it?

ACTING PRESIDENT KUHL: The Clerk will read Calendar Number 1159.

THE SECRETARY: Calendar Number 1159, an act in relation to certain provisions which impact upon the expenditure of certain appropriations made by Chapter 53 of the Laws of 1994 which enacts the aid to localities budget, to amend Chapter 60 of the Laws of 1994, relating to certain provisions which impact upon expenditure of certain appropriations made by Chapter 50 of the Laws of 1994 enacting the state operations budget, in relation to transferring certain monies from the contingency reserve fund to the general fund and to amend a chapter of the laws of 1994 as proposed in Legislative Bill Numbers S. 8550-A -- 8550, excuse me, Assembly Bill Number 11811, relating to certain provisions which impact upon the expenditure of certain appropriations for capital projects, in relation to the percentage

of monies available for certain educational maintenance and repair expenses.

Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number 11874 and substitute it for the identical Senate Bill 8609.

ACTING PRESIDENT KUHL: Substitution is ordered. Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity for Calendar 1159 at the desk?

ACTING PRESIDENT KUHL: Secretary informs me there is, Senator Present.

SENATOR PRESENT: I move that we accept that message.

ACTING PRESIDENT KUHL: Motion is to accept the message on Calendar Number 1159. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Secretary will read the last

section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1159 are Senators Dollinger, Hoffmann, Jones and Pataki. Ayes 56, nays 4.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Call up 1154, please -- 1144.

ACTING PRESIDENT KUHL: Secretary will read -- Secretary will read Calendar Number 1144.

THE SECRETARY: On page 33 of the regular calendar, Calendar Number 1144, substituted earlier today, by the Assembly

Committee on Rules, Assembly Bill Number 8386-A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to the wearing of advertising or promotional material by jockeys.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58, nays 2, Senators Hannon and Pataki recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Take up Calendar Number 1156, please.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1156.

THE SECRETARY: Calendar Number 1156, an act to provide an apportionment of

education aid for school session days held on Veterans Day and Anniversary Day in the city of New York for the 1993-94 school year.

Senator DiCarlo moves to discharge the Committee on Finance from Assembly Bill Number 11809 and substitute it for the identical Senate Bill 8548.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Take up 1157.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1157.

THE SECRETARY: Calendar Number

1157, by Senator DiCarlo, Senate Bill Number 8549, an act to amend Chapter 713 of the Laws of 1993, relating to an apportionment of state aid for certain salary expenses incurred by a school district between April 1st, 1994 and June 30, 1994, in relation to changing the date of school district -- changing the date a school district is eligible for apportionment.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, I believe that Senator DeFrancisco has a privileged resolution at the desk. May I ask that the title be read and adopted at this time?

ACTING PRESIDENT KUHL: Secretary will read the title of the privileged resolution.

THE SECRETARY: Legislative Resolution, by Senator DeFrancisco, honoring the 24 Eleventh Grade English Students at Nottingham High School for their winning project in the 49th Senate District Good News/Good Kids student recognition program.

ACTING PRESIDENT KUHL: Question is on the resolution.

Senator Leichter.

SENATOR LEICHTER: Mr. President, I believe I have a privileged resolution.

ACTING PRESIDENT KUHL: Senator Leichter, could -- Senator Leichter, do you mind, please -- Senator Leichter, do you mind if we adopt this resolution before we take yours up.

SENATOR LEICHTER: I apologize.

ACTING PRESIDENT KUHL: Question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")
Opposed nay.
(There was no response.)
The resolution is adopted.
Senator Leichter.
SENATOR LEICHTER: Yes. May I have my privileged resolution read, the title, please.
THE SECRETARY: Legislative Resolution, by Senator Leichter, celebrating the 60th Anniversary of the Kingsbridge Center of Israel.
ACTING PRESIDENT KUHL: Question is on the resolution. All those in favor signify by saying aye.
(Response of "Aye.")
Opposed nay.
(There was no response.)
The resolution is adopted.
Senator Present.
SENATOR PRESENT: Mr. President, any housekeeping?
ACTING PRESIDENT KUHL: Pretty

well taken care of, Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until Monday, June 13th, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT KUHL: Senate stands adjourned until Monday at 3:00 p.m.

(Whereupon, at 4:53 a.m., June 8, 1994, the Senate adjourned.)