

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

ALBANY, NEW YORK

March 31, 1995

10:02 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

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

2 ACTING PRESIDENT KUHL: The
3 Senate will come to order. Members please find
4 their seats. Ask everyone to rise and join me
5 in saying the Pledge of Allegiance to the Flag.

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

8 In the absence of clergy, may we
9 bow our heads in a moment of silence.

10 (A moment of silence was
11 observed.)

12 Reading of the Journal.

13 THE SECRETARY: In Senate,
14 Thursday, March 30th. The Senate met pursuant
15 to adjournment, Senator Kuhl in the Chair upon
16 designation of the Temporary President. The
17 Journal of Wednesday, March 29th, was read and
18 approved. On motion, Senate adjourned.

19 ACTING PRESIDENT KUHL: Hearing
20 no objections, the Journal stands approved as
21 read.

22 Presentation of petitions.

23 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.
7 Senator Bruno, that brings us to
8 the calendar.

9 SENATOR BRUNO: Mr. President,
10 can we at this time take up the non-contro
11 versial calendar.

12 ACTING PRESIDENT KUHL: Secretary
13 will read the non-controversial calendar.

14 THE SECRETARY: On page number
15 15, Calendar 174, by Senator Skelos, Senate
16 Print 425, an act to amend the Business
17 Corporation Law, in relation to corporate
18 finance, proxies, powers of directory and
19 mergers.

20 SENATOR PATERSON: Lay aside,
21 please.

22 ACTING PRESIDENT KUHL: Lay the
23 bill aside.

1 THE SECRETARY: Calendar Number
2 231, by Senator Volker, Senate Print 1058, an
3 act to amend the Penal Law, in relation to
4 amnesty for the surrender of certain items.

5 ACTING PRESIDENT KUHL: Secretary
6 will read the last section.

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

9 ACTING PRESIDENT KUHL: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 31.

13 ACTING PRESIDENT KUHL: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 242, by Senator Volker, Senate Print 2671, an
17 act to amend the Penal Law, in relation to
18 making certain technical corrections with
19 respect to enterprise corruption.

20 ACTING PRESIDENT KUHL: Secretary
21 will read the last section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 31.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Senate Print 243
8 -- Calendar Number 243, by Senator Bruno,
9 Senate Print 722, an act authorizing an appor
10 tionment of state aid for certain capital
11 expenditures incurred by the Berlin Central
12 School District for the installation of a
13 certified bus lift.

14 ACTING PRESIDENT KUHL: There's a
15 local fiscal impact note at the desk. Secretary
16 will read the last section.

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 31.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 245, by Senator LaValle, Senate Print 1126, an
4 act to -

5 SENATOR LAVALLE: Lay the bill
6 aside for the day.

7 ACTING PRESIDENT KUHL: Lay the
8 bill aside for the day at the request of the
9 sponsor.

10 THE SECRETARY: Calendar Number
11 246, by Senator Skelos, Senate Print 2208,
12 Education Law, in relation to the availability
13 of copies made of estimated expenses.

14 ACTING PRESIDENT KUHL: Secretary
15 will read the last section.

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 31.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

1 THE SECRETARY: Calendar Number
2 255, by Senator Larkin, Senate Print 1963, an
3 act to amend the Education Law, in relation to
4 expanding student aid programs for Vietnam
5 veterans.

6 ACTING PRESIDENT KUHL: Secretary
7 will read the last section.

8 THE SECRETARY: Section 5. This
9 act shall take effect on the 120th day.

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 31.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 273, by Senator Kuhl, Senate Print 1543, an act
18 to amend the Private Housing Finance Law and the
19 Public Health Law, in relation to the creation
20 of a farm worker housing project loan fund.

21 ACTING PRESIDENT KUHL: Secretary
22 will read the last section.

23 THE SECRETARY: Section 8. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 33.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 313, by Senator Volker, Senate Print 1140, an
10 act to amend Chapter 198 of the Laws of 1978,
11 relating to authorizing projects to provide
12 improved and expanded school health services.

13 ACTING PRESIDENT KUHL: Secretary
14 will read the last section.

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

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 33.

21 ACTING PRESIDENT KUHL: The bill
22 is passed.

23 THE SECRETARY: Calendar Number

1 314, by Senator Hannon.

2 SENATOR PATERSON: Lay aside.

3 SENATOR HANNON: Lay aside.

4 ACTING PRESIDENT KUHL: Lay the
5 bill aside.

6 THE SECRETARY: Calendar Number
7 315, by Senator Cook, Senate Print 3566, an act
8 to amend Chapter 407 of the Laws of 1986
9 amending the Public Health Law, relating to
10 establishing a coordinated approach.

11 ACTING PRESIDENT KUHL: Secretary
12 will read the last section.

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 35.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 349, by Senator Saland, Senate Print 3926-A, an
23 act to amend the Family Protection Act -

1 Protection and Domestic Violation Intervention
2 Act of 1994, in relation to changing the date of
3 operation.

4 ACTING PRESIDENT KUHL: The bill
5 is high, Senator Bruno, so we'll lay it aside
6 awaiting a message. Lay the bill aside.

7 SENATOR BRUNO: Lay it aside.

8 ACTING PRESIDENT KUHL: Senator
9 Bruno, that completes the non-controversial
10 calendar.

11 SENATOR BRUNO: Mr. President,
12 can we now take up the non-controversial
13 calendar -- the controversial calendar.

14 ACTING PRESIDENT KUHL: Secretary
15 will read the controversial calendar.

16 THE SECRETARY: Calendar Number
17 174, by Senator Skelos, Senate Bill Number 425,
18 an act to amend the Business Corporation Law, in
19 relation to corporate finance.

20 SENATOR PATERSON: Explanation.

21 SENATOR BRUNO: Mr. President,
22 can we at this time take up Calendar Number 314
23 by Senator Hannon.

1 ACTING PRESIDENT KUHL: Calendar
2 Number 174 is laid aside temporarily. Secretary
3 will read Calendar Number 314.

4 THE SECRETARY: Calendar Number
5 314, by Senator Hannon, Senate Bill Number 3547,
6 an act to amend Chapter 934 of the Laws of 1985,
7 amending the Public Health Law and the New York
8 State Medical Care Facilities Act.

9 SENATOR PATERSON: Explanation.

10 ACTING PRESIDENT KUHL: Senator
11 Hannon, an explanation has been asked for of
12 Calendar Number 314 by Senator Paterson.

13 SENATOR ONORATO: I don't really
14 need an explanation. I would just like to ask a
15 question.

16 ACTING PRESIDENT KUHL: Senator
17 Hannon, will you yield to Senator Onorato?

18 SENATOR HANNON: Let me just, in
19 one sentence, explain what the bill does.

20 SENATOR ONORATO: I know what the
21 bill does. We're only extending it for two and
22 a half months. Normally we extend it for a year
23 or two and a half years, and this may hold up

1 the hospitals' ability to issue their bonds,
2 hold up their projects.

3 SENATOR HANNON: So I take it
4 your question is would there be any delay in
5 view of this legislation; would that be a fair
6 characterization, sir?

7 SENATOR ONORATO: Yes.

8 SENATOR HANNON: I can assure you
9 nothing will be delayed.

10 SENATOR ONORATO: Thank you.

11 ACTING PRESIDENT KUHL: Secretary
12 will read the last section.

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 40.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 SENATOR BRUNO: Mr. President, in
22 the absence of the sponsor of that legislation,
23 I ask that it be laid aside. We'll take it up

1 on Monday, and at this time.

2 ACTING PRESIDENT KUHL: We'll lay
3 aside Calendar Number 174.

4 SENATOR BRUNO: Is there any
5 housekeeping at the desk that we have to take up
6 at this time, Mr. President?

7 ACTING PRESIDENT KUHL: No
8 housekeeping, Senator Bruno.

9 SENATOR BRUNO: I'm going to then
10 move, Mr. President, that we recess until 1:30
11 sharp, in the interim call a Finance Committee
12 meeting in Room 332 at 12:45 and immediately
13 following Finance a Rules Committee meeting and
14 that will take us back to the chamber by 1:30
15 with your cooperation and indulgence, so we can
16 get on with the people's work today.

17 Thank you, Mr. President.

18 ACTING PRESIDENT KUHL: There
19 will be a Finance Committee meeting in Room 332
20 at 12:45 to be followed immediately by a Rules
21 Committee meeting, and then the Senate will
22 reconvene at 1:30.

23 Senator Mendez.

1 SENATOR MENDEZ: There will be a
2 Minority Conference at 11:00 o'clock, Room 314.

3 ACTING PRESIDENT KUHL: There
4 will be a Minority Conference at 11:00 o'clock
5 in Room 314, the Minority Conference Room.

6 Without objection, the Senate
7 stands in recess until 1:30.

8 (Whereupon at 10:15 a.m., the
9 Senate recessed.)

10 (Whereupon, at 1:31 p.m., Senate
11 reconvened.)

12 ACTING PRESIDENT KUHL: Senate
13 will come to order. Chair will recognize
14 Senator Bruno.

15 SENATOR BRUNO: Mr. President.
16 Can we please return to reports of standing
17 committees. I believe there is a report from
18 the Rules Committee at the desk.

19 ACTING PRESIDENT KUHL: Return to
20 reports of standing committees.

21 Secretary will read.

22 THE SECRETARY: Senator Bruno,
23 from the Committee on Rules, hands up the

1 following bills directly for third reading:

2 Print Number 1551A, Budget Bill,
3 an act making appropriations for the support of
4 government, Legislature and Judiciary Budget.

5 Print Number 1553A, Budget Bill,
6 an act making appropriations for support of
7 government, Aid to Localities Budget Bill.

8 Print Number 3595A, by Senator
9 Saland, an act to amend the State Finance Law,
10 the Banking Law and Chapter 705 of the Laws of
11 1993.

12 Print Number 3955, by the
13 Committee on Rules, an act to amend the Tax Law
14 and the Public Service Law, in relation to a
15 reduction in the rate of tax.

16 Print Number 3895A, by the
17 Committee on Rules, an act to amend the Racing,
18 Pari-Mutuel Wagering and Breeding Law, and
19 Chapter 281 of the Laws of 1994.

20 All bills directly for third
21 reading.

22 ACTING PRESIDENT KUHL: Chair
23 recognizes Senator Bruno.

1 SENATOR BRUNO: I move, Mr.
2 President, that we adopt the report of the Rules
3 Committee.

4 ACTING PRESIDENT KUHL: The
5 motion is to accept the report of the Rules
6 Committee. All in favor, signify by saying aye.

7 (Response of "Aye.")

8 Those opposed, nay.

9 (There was no response.)

10 The report is adopted.

11 All bills are directed to third
12 reading.

13 Senator Bruno.

14 SENATOR BRUNO: Mr. President.
15 Can we now take up Calendar Number 350.

16 ACTING PRESIDENT KUHL: Secretary
17 will read Calendar Number 350, Senate Budget
18 Bill, Senate Print 1551A, an act making
19 appropriations for the support of government,
20 Legislature and Judiciary Budget.

21 SENATOR PATERSON: Explanation.

22 ACTING PRESIDENT KUHL: Senator
23 Bruno, there's a message of -

1 SENATOR BRUNO: Mr. President.

2 Is there a message of necessity at the desk?

3 ACTING PRESIDENT KUHL: There is
4 a message at the desk, Senator Bruno?

5 SENATOR BRUNO: I move we adopt
6 the message at this time.

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

10 (Response of "Aye.")

11 Opposed, nay.

12 (There was no response.)

13 The message is accepted.

14 Senator Paterson, are you
15 requesting an explanation of this bill?

16 SENATOR PATERSON: Yes, Mr.
17 President.

18 ACTING PRESIDENT KUHL: Senator
19 Bruno.

20 SENATOR BRUNO: Yes, Mr.
21 President.

22 This is the Legislative and
23 Judicial Budget that allows the Legislature to

1 function and the Judiciary in this state to do
2 its business. This is the normal procedure as
3 part of the budget that we take up the
4 Legislative and Judiciary Budget. That is the
5 bill that is before us.

6 It is spelled out very
7 specifically in terms of how the money is spent,
8 and we all know where it will come from. So I
9 would invite you to review what is before us and
10 would encourage you to adopt this budget because
11 it is what allows us in the Legislature to do
12 the people's work, and it is what allows the
13 Judiciary Department, a separate department
14 constitutionally in this state, to do their
15 work. Cooperatively with the Executive Branch,
16 we govern. We will welcome your support.

17 ACTING PRESIDENT KUHL: Secretary
18 will read the last section.

19 SENATOR GOLD: Point of inquiry.

20 ACTING PRESIDENT KUHL: Senator
21 Gold.

22 SENATOR GOLD: I thought that the
23 Majority Leader just invited us to review it, so

1 I'm reviewing it. Why are we voting on it?

2 ACTING PRESIDENT KUHL: Senator
3 Paterson.

4 SENATOR PATERSON: I'm reviewing
5 it, too, Mr. President.

6 ACTING PRESIDENT KUHL: Chair
7 recognizes Senator Leichter.

8 SENATOR LEICHTER: Yes, one
9 minute, please.

10 SENATOR BRUNO: While, Mr.
11 President, we are reviewing this important
12 document, I would suggest that we might read the
13 last section on Calendar Number 350 and 351. We
14 have one of our esteemed colleagues that has a
15 very important and personal reason for voting at
16 this time.

17 ACTING PRESIDENT KUHL: Secretary
18 will read the last section on Calendar Number
19 350.

20 THE SECRETARY: Section 5. This
21 act shall take effect immediately.

22 ACTING PRESIDENT KUHL: Call the
23 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT KUHL: Senator
3 Hoffmann.

4 SENATOR HOFFMANN: In the
5 negative, Mr. President.

6 ACTING PRESIDENT KUHL: Senator
7 Hoffmann is recorded in the negative.

8 We will lay that bill aside
9 temporarily, Senator Bruno, while we call up
10 Calendar Number 351.

11 THE SECRETARY: Calendar Number
12 351, Budget Bill, Senate Print Number 1553A, an
13 act making appropriations for the support of
14 government.

15 Senator Bruno, there is a message
16 of necessity at the desk -- message of necessity
17 at the desk on this bill.

18 SENATOR BRUNO: I move its
19 adoption at this time.

20 ACTING PRESIDENT KUHL: The
21 motion is to accept the message of necessity on
22 Calendar Number 351. All those in favor,
23 signify by saying aye.

1 (Response of "Aye.")

2 Opposed, nay.

3 (There was no response.)

4 The message is accepted.

5 Secretary will read the last

6 section.

7 THE SECRETARY: Section 6. This
8 act shall take effect immediately.

9 ACTING PRESIDENT KUHL: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT KUHL: Senator
13 Hoffmann, how do you vote?

14 SENATOR HOFFMANN: In the
15 negative, please.

16 ACTING PRESIDENT KUHL: Senator
17 Hoffmann in the negative. The roll call is
18 withdrawn. We will return to Calendar Number
19 350.

20 Senator Leichter.

21 SENATOR LEICHTER: Yes, Mr.
22 President. We will have one or more amendments
23 to this bill and, while they are being brought

1 to the floor, let me make some general comments
2 on the bill.

3 ACTING PRESIDENT KUHL: Senator
4 Leichter on the bill.

5 SENATOR LEICHTER: Right. Over
6 the years, you have heard me talk about the
7 legislative budget, and I think we have been
8 able to demonstrate quite clearly that this is
9 not a budget. It's a hoax, and over the years I
10 think it's been an embarrassment for this
11 Legislature which prides itself on the care with
12 which it forces the Executive to detail its
13 spending, but when it comes to the Legislature,
14 you know, the rules don't apply and instead of
15 having a budget, we have these large lump sum
16 appropriations.

17 Well, this year we were told
18 things were going to be different. But when you
19 take a look at the legislative budget, it's the
20 exact same format as we've had all of these
21 years. It's not an honest budget.

22 Now, I understand that efforts
23 are being made to come up with such a detailed

1 budget in future years and that for some reason
2 our computer capacity did not permit the
3 Legislature to have a detailed budget this year,
4 and I would like to just try to get some sort of
5 a clarification on it.

6 So if I can ask the Majority
7 Leader if he would be so kind as to yield.

8 Senator Bruno, my question is,
9 you have made various statements as you assumed
10 the Majority leadership about changes that you
11 wanted to make, reforms that you wanted to make,
12 and one of them, as I understand, related to the
13 legislative budget, and my question is whether
14 this is the last year we're going to see the
15 legislative budget in this format and whether we
16 can expect, starting with the fiscal year
17 1996-1997, a detailed legislative budget?

18 SENATOR BRUNO: Senator, I think
19 all of us in this chamber are in agreement that
20 we should have more detailed budgets, that the
21 public has a right to know and, as I assumed the
22 leadership in this house, I publicly declared
23 that we will have in the Legislature, in the

1 Senate, full disclosure of all of the
2 expenditures in this Senate, and we are
3 presently contemplating that starting January,
4 as we have mentioned before, of next year, that
5 we will have a full disclosure so you will see
6 every cent that we appropriate and spend
7 itemized -- your staff, my staff, Senator Gold's
8 staff, even Senator Stafford's.

9 SENATOR LEICHTER: Even?

10 SENATOR BRUNO: Yes. So the
11 answer is yes, Senator Leichter. Yes. I think
12 in terms of being of public service, the answer
13 is yes.

14 SENATOR LEICHTER: Just so that
15 I'm clear, Senator Bruno, as I understand it,
16 that itemization and that information, that
17 openness that you have committed yourself to,
18 will also be reflected in the legislative budget
19 so that we will see in the legislative budget a
20 degree of itemization that we require from the
21 Executive?

22 SENATOR BRUNO: We will provide,
23 yes, Senator, as much itemization as there is in

1 the executive budget. Does that satisfy your
2 requirements that it be as the executive
3 budget?

4 SENATOR LEICHTER: Well, Senator,
5 I think it's a significant step forward. I
6 think what you and I hopefully agree on is that
7 we want full disclosure. The public ought to
8 know.

9 SENATOR BRUNO: I couldn't agree,
10 Senator, more with you that the public has a
11 right to know, and I am insisting that we have a
12 full disclosure in this house and in the
13 Assembly, and I have been discussing this with
14 the Speaker since December and the Speaker in
15 his wisdom concurs that we will have full
16 disclosure in the Legislature in January. So,
17 as usual, we are on the same side of an issue.

18 SENATOR LEICHTER: That's very
19 good, and, Senator, I enjoy being on the same
20 side with you.

21 But let me just -- if I may, and
22 I appreciate your being candid in your answers,
23 as you always are, and it's certainly important

1 that we're not talking only about the Senate.
2 We're talking about the Assembly, and the
3 Speaker said to me also that he is committed to
4 having an itemized budget. But just so that
5 we're clear as to what we mean by an itemized
6 budget, will you agree with me, Senator Bruno,
7 that this Budget Bill that is before us is not
8 an itemized budget?

9 SENATOR BRUNO: Well, Senator, I
10 wish I could answer you differently, but the
11 agencies of this state report in about the same
12 fashion that we are reporting in this
13 legislative budget. So this concurs with the
14 common practice in the state, and we've been
15 sort of doing this together. But I, with the
16 Governor and the Speaker, are going to try to
17 get more detailed with the agencies, and we have
18 direct control over our budgets, so we are going
19 to have fuller, better disclosure.

20 Senator Leichter, we would
21 welcome your input, very specifically. If you
22 want to give us recommendations in writing, we
23 would welcome them and will incorporate them

1 into the practices into next year.

2 SENATOR LEICHTER: Senator, thank
3 you and I think that's a generous offer. We
4 will certainly respond to it. In fact, we're
5 going to respond to it sooner than you think
6 because our amendment will have the form of what
7 we consider to be an itemized budget, so you are
8 going to have this in about five minutes.

9 SENATOR BRUNO: Senator, I'm
10 never ceased to be amazed by your responsiveness
11 and your ingenuity.

12 SENATOR LEICHTER: Thank you.
13 Senator, let me just ask this further question,
14 if the Majority Leader will be good enough to
15 yield, and I see he is. One of the things that
16 the Executive Departments do which gives meaning
17 to the Executive Budget bills is that there's a
18 lot of backup data, which is available to our
19 Finance Committees. It's studied very carefully
20 by Senator Stafford and his staff. So when we
21 talk about an itemized budget, it is, of course,
22 important to have that backup material, and my
23 question to you is: Will we also have the sort

1 of backup material that we have for the
2 Executive Budget bills?

3 SENATOR BRUNO: I'm doing some
4 research on this at this very second, Senator
5 Leichter, and my research shows me that we will
6 be very specific, and the public expenditure
7 review that we have already indicated that we
8 will support and implement will contain, we
9 believe, to your satisfaction parts of what you
10 are now recommending and discussing.

11 So, Senator, I know -- just to
12 finish my answer -- that you don't want to waste
13 your time, our time, the public's time by
14 talking about things that we already agree on
15 because I'm confident that you can find some
16 things that we don't agree on, but this one we
17 agree on, Senator, so we are going to move
18 toward public expenditure review. I think you
19 will be very happy, very satisfied, as will my
20 colleagues here, to see every cent that we spend
21 itemized so that everyone's salary is itemized,
22 all the expenditures for travel, for office
23 expense, for your district office, itemized and

1 I don't know how much more fully we can disclose
2 than that and, if you have any suggestions,
3 we're going to welcome it and we will be very
4 anxious to see what your amendment contains.

5 SENATOR LEICHTER: Senator, I
6 think that's really very important, and it's
7 important for all of us, whether we're
8 Republicans or Democrats. I think all of us
9 share the goal of being of service to the people
10 of the state and hopefully doing our work and
11 our job in an accepted manner and doing it with
12 integrity and, unfortunately, the budgets that
13 we've had have not had that sort of integrity
14 which reflects well on this body.

15 Senator, if I may, I just would
16 like to ask you one or two questions about this
17 year's budget, if you would be good enough to
18 yield.

19 SENATOR BRUNO: I'm sorry. I was
20 being distracted by my colleagues who were
21 trying to be helpful, but they're really not.

22 (Laughter.)

23 SENATOR LEICHTER: Let me say I

1 share a district or community with Senator
2 Velella. When he tries to be helpful, be
3 careful -- no, he is very helpful.

4 Senator, one of the things that
5 concerns me is the reappropriations in this
6 year's legislative budget as it pertains to the
7 Senate. Last year, we pointed out that there
8 was a large pot that had been built up over the
9 years that really was in the nature of a slush
10 fund for the Senate. Reappropriations make
11 sense when you have ongoing capital projects,
12 when you have ongoing programs, but that if the
13 Legislature over the years had not spent all of
14 the money that had been appropriated, why not
15 return it to the taxpayers, and I know that the
16 taxpayers are the apple of your eye, Senator
17 Bruno. But it's a real disappointment to see
18 reappropriations of \$11 million in here. We've
19 added them up and they come to a total of
20 \$11,563...

21 SENATOR BRUNO: How much,
22 Senator?

23 SENATOR LEICHTER: \$11,563,560.

1 SENATOR BRUNO: Mr. President. I
2 would appreciate, Senator Leichter, sharing that
3 information with us because you are more than
4 doubling the numbers that are, in fact, so, and
5 I would love to have that additional 6 million
6 that you are producing. So wouldn't we like to
7 have that? Why don't you let us have your
8 information because I would love to have it.

9 SENATOR LEICHTER: Okay.
10 Senator, I will work off your figure of 6
11 million.

12 SENATOR BRUNO: It's five.

13 SENATOR LEICHTER: Excuse me?

14 SENATOR BRUNO: Five.

15 SENATOR LEICHTER: Five million?

16 SENATOR BRUNO: Yes. That's as
17 good a number as any for our purposes, Senator,
18 because you're going to disagree with it if it's
19 \$5.

20 SENATOR LEICHTER: I think I
21 would, sir. Obviously, we're talking of a large
22 sum of money. You will agree?

23 SENATOR BRUNO: Yes, Senator. We

1 think it's 5 million.

2 SENATOR LEICHTER: Senator, this
3 is a two-part question. One is, it was my
4 understanding that you had said that this year
5 there would be no reappropriations. Secondly,
6 if there are amounts that could be
7 reappropriated, why are these not returned to
8 the taxpayer?

9 SENATOR BRUNO: Well, Senator
10 Leichter, I am very, very pleased that you would
11 publicly ask that question for the record. I
12 recommended at that time to Speaker Silver that
13 maybe this was the year that we not
14 reappropriate any of these dollars, and the
15 Governor asked us not to reappropriate any of
16 these dollars, and I was very willing for this
17 house and representing this house and had talked
18 to my colleagues, and they said, "Fine, let's
19 not reappropriate any of these dollars."
20 Speaker Silver, on the other hand, has a number
21 that is over \$30 million in that little account.

22 So if 5 million is substantial,
23 Senator, what would you call 30-plus million?

1 More than substantial? We are prepared to pass
2 on the reapprop's if the Speaker would pass on
3 his reapprop's. Call him and ask him, and if
4 you will get his concurrence, we will stand for
5 an amendment and pull all that money out of our
6 budget and glad to do it, because the Governor
7 would like to have us do it. We would like to
8 do it.

9 But the fact of the matter is -
10 I will answer on behalf of the Speaker because
11 he isn't here and I don't think you have a
12 phone. He won't do it. He won't do it. So
13 since he won't do it, guess what? We are
14 leaving the reapprop's in our budget because we
15 just think it's fair, and I wish we had 30
16 million instead of 5. Sorry about that.

17 SENATOR LEICHTER: Senator
18 Bruno -

19 SENATOR BRUNO: But that's a
20 fact, what I'm relating to you.

21 SENATOR LEICHTER: I accept what
22 you say, Senator. But I take it from what you
23 say -- and let me see if I understand you

1 correctly -- that you think that this budget
2 should not have any reappropriations at all,
3 neither for the Assembly nor the Senate?

4 SENATOR BRUNO: I would support
5 that if we had concurrence by the Executive and
6 the Speaker. I would be in support of exactly
7 that concept.

8 SENATOR LEICHTER: So then it's a
9 fair statement that you think it would be
10 appropriate for this legislative budget not to
11 have any reappropriations.

12 SENATOR BRUNO: It would be
13 appropriate not to reapprop. I guess that's a
14 fair statement.

15 SENATOR LEICHTER: Okay.
16 Senator, let me ask you this. I'm not passing
17 judgment on the Assembly but, for the sake of
18 the argument, I will accept your characteri
19 zation of what the Assembly is doing. But if
20 it's the right thing to do, if it's the right
21 thing to do not to have reappropriations, why
22 don't we eliminate the reappropriations for the
23 Senate? We have that authority. We have that

1 power. Those appropriations are in there only
2 because you put them in there.

3 What you are saying to me and to
4 the people of the state is, because the Assembly
5 is doing something that I don't agree with, I'm
6 going to take \$6 million that otherwise should
7 go to the taxpayers. Is that the sort of
8 position that we want to take in this house?

9 SENATOR BRUNO: Well, Senator
10 Leichter, that's a question?

11 SENATOR STAFFORD: Yes.

12 SENATOR BRUNO: Then let me
13 answer it. I wish that we in this house -- and,
14 Mr. President, if we in this house could
15 unilaterally act, wouldn't this be a better
16 state? Tonight, we would have a budget that the
17 people would have that we would be in agreement
18 with the Governor, if we could act in this
19 house. We would have a budget on March 31, one
20 day before April 1.

21 But, Mr. President, we can not
22 act by ourselves and make laws, as much as we
23 would like to do that especially in this budget

1 season, because it's the Assembly that's keeping
2 the people of this state from having a balanced
3 budget. We in this house, thanks to you people
4 and the people on this side of the aisle, have
5 been passing a budget. By the time we leave
6 here tonight, we will have a balanced budget in
7 this house that the people of this state would
8 like to see become law.

9 But, Senator Leichter, we can't
10 act by ourselves. Since we can't act by
11 ourselves, in order for this to become law, we
12 need to do it in concurrence with the Assembly.
13 So I would just leave it that if you could
14 convince your colleagues on your side of the
15 aisle that that is good government and in the
16 best interests of the people, then we will
17 participate. Until then, I think we have to
18 leave it as it is.

19 SENATOR LEICHTER: Senator, I
20 think -

21 ACTING PRESIDENT KUHL: Senator
22 Leichter, are you asking Senator Bruno to yield
23 to a question?

1 SENATOR STAFFORD: Yes.

2 ACTING PRESIDENT KUHL: Senator
3 Bruno, do you continue to yield?

4 SENATOR BRUNO: Thank you. Yes.

5 ACTING PRESIDENT KUHL: Senator
6 does.

7 SENATOR LEICHTER: Senator Bruno,
8 I would just say, and I want to see if you agree
9 with me, that we have an obligation to lead in
10 this house, to do what's right, and you passed a
11 state appropriation bill, frankly, I didn't
12 agree with, but it set forth what you thought
13 and what the majority in this house thought -
14 and, I gather, the Governor -- ought to be in
15 that budget. You have passed other bills which
16 set forth your view of how you want government
17 to function.

18 You've shown us that you believe
19 that the wealthy in this state need to be aided
20 and helped in more ways than you have done in
21 the past and that's your view and I understand
22 this. But in that particular instance, you
23 didn't find yourself tied to the Speaker by some

1 umbilical cord. You have put forth your bill.
2 Why in the legislative budget, if you feel that
3 it's not a good idea to have reappropriations,
4 why do you put forward a bill with these
5 reappropriations, especially since, as I
6 understand it, this is a one-house bill? Why
7 don't you give us your vision of what the
8 Legislature ought to do as regards its own
9 budget?

10 SENATOR BRUNO: I'm looking at
11 that very remarkable headline that says,
12 "Bruno's Change is Necessary."

13 SENATOR CONNOR: We'll quote it
14 for you.

15 SENATOR BRUNO: Oh, you're going
16 to quote it? Okay. That's what I thought.

17 SENATOR LEICHTER: Senator, what
18 we would like to see is a headline that says the
19 change that Bruno said is necessary is being
20 done. But, unfortunately, that headline is not
21 being written with this particular bill.

22 SENATOR BRUNO: Senator, you
23 know, legislating is a very, very interesting

1 way of life, and there are some issues that we
2 do unilaterally in this house. We provide
3 direction, leadership, change, and there are
4 other issues that really are in the public's
5 best interest if we do them together, because if
6 we can ever convince the Assembly to give back
7 to the public that \$32 million that they've got
8 in reapprop's, just think of how much better the
9 public would be than just our little 5 million.

10 Wouldn't they be better off,
11 Senator? Wouldn't they?

12 SENATOR STAFFORD: Yes, right.

13 SENATOR BRUNO: Then don't you
14 think that, if we can use our influence by
15 suggesting that we will do things together, that
16 we want to help the public five times more than
17 you are proposing.

18 So that's why, Mr. President, in
19 this issue we have to stay joined. In other
20 issues, we can take leadership positions, and
21 I'm glad that you recognize that, Senator.

22 Thank you.

23 SENATOR LEICHTER: If Senator

1 Bruno will yield.

2 ACTING PRESIDENT KUHL: Senator
3 Bruno, do you continue to yield to Senator
4 Leichter?

5 SENATOR BRUNO: Yes.

6 ACTING PRESIDENT KUHL: Senator
7 yields.

8 SENATOR LEICHTER: Senator, if I
9 understand your position, then, is that where
10 it's a financial benefit to the Senate, we are
11 joined to the Assembly. But may I also point
12 out to you and ask you this question, isn't it a
13 fact that last year the Senate spent more
14 reappropriations than the Assembly?

15 SENATOR BRUNO: Senator, let me
16 correct one of the things -- and I hesitate to
17 do this because I find it difficult to correct
18 anyone as learned as you are on the Senate
19 floor, but when I talked about that money, I
20 didn't talk about it helping the Senate, I
21 talked about if we could not reapprop at all, we
22 would be helping the public, the general public,
23 not the Senate. Oh, you said the Senate.

1 SENATOR LEICHTER: No, I said
2 this bill helps the Senate. I would like you -
3 and I think the members on this side of the
4 aisle want to help the public by getting rid of
5 the reappropriations.

6 SENATOR BRUNO: You would like to
7 help the public. I would like to do, I'm
8 saying, much more. I would like to help the
9 public \$37 million worth instead of \$5 million
10 worth.

11 SENATOR LEICHTER: But -

12 ACTING PRESIDENT KUHL: Senator
13 Leichter, are you asking Senator Bruno to
14 continue to yield?

15 SENATOR LEICHTER: Yes, I would.

16 ACTING PRESIDENT KUHL: Senator
17 Bruno, do you continue to yield?

18 SENATOR BRUNO: Yes.

19 ACTING PRESIDENT KUHL: Senator
20 yields.

21 SENATOR LEICHTER: Let me ask the
22 question because I fail to understand your
23 logic, with all due respect, Senator. You are

1 saying I want to give -- I want to give the
2 public that \$30 million that the Assembly has,
3 but since the Assembly won't give them the \$30
4 million, I'm going to take \$6 million away from
5 the taxpayers. Is that logic?

6 SENATOR BRUNO: Well, not exactly
7 as you are expressing it, Senator, but many
8 times things expressed in this chamber are not
9 exactly logical.

10 SENATOR LEICHTER: I want to
11 thank my good friend, and I want to say that
12 last answer was worthy of Senator Stafford.

13 (Laughter.)

14 SENATOR BRUNO: I have been
15 listening to him and learning. Why do you think
16 I'm here?

17 SENATOR STAFFORD: High point of
18 personal privilege.

19 SENATOR LEICHTER: I want to
20 assure my good friend, Senator Stafford, that
21 that was said as a real compliment.

22 Mr. President. Just briefly on
23 the bill.

1 ACTING PRESIDENT KUHL: Senator
2 Leichter, on the bill.

3 SENATOR LEICHTER: And then I
4 want to move an amendment.

5 Oh, sure. Then, just very
6 briefly on the bill, and we will make the
7 amendments later. I know that Senator Connor
8 and some other people want to speak on some of
9 the issues that were raised by the dialogue
10 between Senator Bruno and myself. I just think
11 we could do better. I don't think it's ever an
12 answer to the public to say, "Well, they did
13 it. They are doing it." I mean, you know, we
14 used to do that when we were in kindergarten and
15 grade school.

16 We have the ability to lead, to
17 set an example, and we can certainly do it by
18 saying here's \$6 million. It may even be more;
19 or whether it's \$5 million, we're going to
20 return it to the public. We're going to return
21 it to the taxpayers. For weeks here, all we've
22 heard is taxpayers, taxpayers, taxpayers.

23 We happen to think that most

1 taxpayers are not being served by your program,
2 and certainly not being served by your tax
3 cuts. A very small percentage of the population
4 is being helped.

5 But if your concern is the
6 taxpayers, if you're saying we want to return
7 more to the taxpayers, what is the justification
8 for this Senate saying here's \$6 million or \$5
9 million in reappropriation, we're going to grab
10 it. There is no justification.

11 How is that money going to be
12 spent? That isn't detailed. That's left up to
13 the Majority Leader.

14 And let me just say, if you take
15 a look at this budget, and we'll point some of
16 this out afterwards, this is a fat budget. You
17 know, with all this talk about belt tightening,
18 my God, we're denying services to the home
19 bound. We're making people who want to attend
20 SUNY or CUNY pay a thousand dollars more in
21 tuition. Our hospitals are going to close. Our
22 schools are going to have class sizes that are
23 going to burgeon.

1 There is going to be so much pain
2 in this state, and we're told, "Well, we have a
3 fiscal crisis." When it comes to the
4 legislative budget, there is no crisis at all.
5 It's wine and roses as always -- in fact,
6 champagne and caviar. I take a look and I see
7 the Senate appropriations in this bill are
8 actually increasing.

9 Last year, our appropriation was
10 \$66,679,000. This year it's \$68 million, an
11 increase, an increase of 2.3 percent. It's just
12 not justified, and it's not justified because,
13 if you take a look at the bill, it doesn't tell
14 you how the money is being spent.

15 And then there is a final kicker
16 in this bill and that is that the Majority
17 Leader has the opportunity or is given the power
18 to change allocations in this bill however he
19 wants to. So what starts out as a hoax ends up
20 as a fraud. The same power is given to the
21 Speaker. We're critical of this bill, both as
22 it pertains to the Senate and as it pertains to
23 the Assembly because we say this does not serve

1 the public, and it really disgraces this house.

2 I'm glad to hear Senator Bruno
3 make a commitment that next year it's going to
4 be different. We think we can do it this year,
5 and we'll show you in a few minutes how that
6 could be done, but this is not a bill that any
7 of us can take any pride in. In fact, I think
8 it's an embarrassment.

9 ACTING PRESIDENT KUHL: Chair
10 recognizes Senator Connor.

11 SENATOR CONNOR: Thank you, Mr.
12 President.

13 Mr. President, we started this
14 year with the Majority Leader announcing a semi
15 crisis with the way the Senate fisc' had been
16 handled in the past. The fact is that the
17 Senate, as announced by the Majority Leader, has
18 been overspending its budget by \$7 million.
19 That's how he announced it. The real fact is
20 that, last year, the Senate Majority that
21 controls this house overspent by nearly \$7-1/2
22 million over and above the budgeted amount.

23 Why do I say that? Because the

1 Senate Minority last year returned \$430,000 or
2 \$440,000 to the Senate in allocations that
3 weren't spent by the Minority. Did they give
4 them back to the taxpayer? No. They spent them
5 on themselves. They covered their own gap.
6 That's what they did with it.

7 Now, Senator Bruno had to address
8 this problem, and I understand that. He said to
9 the Minority, he said to the press, we have to
10 cut Senate expenditures. The budget, the
11 legislative budget submitted in December for the
12 Senate was flat, and you will hear 68 million
13 and 71 million, it depends on how you count
14 finance, but it was flat. The budgeted amount
15 was the same amount as the year before. The
16 expenditures were \$7-1/2 million over, from
17 reappropriations.

18 And Senator Bruno said, there are
19 no reappropriations available to the Senate.
20 They were all spent. They were spent in the
21 preceding three or four years in this orgy of
22 patronage and mail cost spending by the
23 Majority, running at the rate of over 10 percent

1 of the Senate budget, 7- to \$8 million a year in
2 extra spending unaccounted for, not budgeted or
3 appropriated, but reappropriated.

4 So what do I learn today? Oh,
5 what was the solution? The Minority has to
6 cut. The Minority that under Senator Ohrenstein
7 thought that our share, our paltry share despite
8 our 40-some percent of numbers in this house,
9 our share of Senate resources we believed -- or
10 at least we learned, as Senator Ohrenstein had
11 negotiated it, was one dollar in every seven.
12 What did we learn? No, it wasn't. It was one
13 in every eight, because they were spending an
14 extra \$8 million. But we had to cut.

15 And Senator Bruno said we're over
16 \$7 million. We have to cut, and you will hear
17 different figures from them. They cut a million
18 dollars, roughly, out of the Minority alloca
19 tions for Minority staff, and these members all
20 took a cut, a real cut, as did the Minority
21 Leader; and if you have been tracking it, we
22 have been laying people off from the Minority
23 staff every few weeks for the last two months,

1 not because they weren't doing a good job but
2 because we had to tighten our belt.

3 And we believed, well, we were
4 taking a million dollar cut, they were cutting
5 six million in their spending, to account for
6 that 7 to 7-1/2 million. And you'll hear
7 Senator Bruno say, "No, it wasn't a million
8 dollar cut; it was \$800,000," because we got
9 some sort of credit for the 400,000 we didn't
10 spend, so we got half of that back. It's a
11 million dollars. This conference gets \$1.1
12 million less than it got allocated to it last
13 year and, in good faith, we believed the
14 Majority was tightening their belts.

15 But what we find is their habit
16 of bellying up to the pork trough and the
17 patronage trough has not dissipated one whit.
18 We find out that what the press was told, "There
19 are no more Senate reappropriations," wasn't
20 true. This budget has a \$4 million
21 reappropriation in it. There was \$4 million
22 dollars.

23 What do they propose to do with

1 it? Reappropriate it again and spend it any way
2 they darn well please. Plus, we find, do we
3 have a flat Senate budget? Do these headlines
4 that say, "Bruno to cut Senate Budget" -- or
5 "Senate Spending," are they true?

6 We now have a million-and-a-half
7 dollar increase in the Senate budget. Oh,
8 what's the answer? Well, we're taking the
9 commissions. The Majority wanted to abolish the
10 commission staffs, and I assure you not one
11 staff member on those commissions has ever in
12 the last seven or eight years come from the
13 Senate Minority. Those commissions on the
14 Senate side were a strict Majority patronage
15 plum, and Senator Bruno said, "We'll do away
16 with them." And I don't know what his dealings
17 were with the other house but his way of doing
18 away with those staffs is to take the money, the
19 million-and-a-half dollars, and shift it to the
20 Senate budget to keep their loyal patronage
21 employees employed. Doing what? If the
22 commissions aren't going to function, doing
23 what? This is no cutback.

1 Do I feel a sense of betrayal?

2 Yes. Lo and behold, what does this all mean?

3 Will the Senate spend less? Yes. It will spend
4 \$3 million less than it did last year.

5 Remember, it was over 7-1/2 million. Three
6 million less, which means the Minority that
7 underspent by nearly a half million last year
8 gave it back, hoping it would go to the
9 taxpayers, now finds out that, Oh, when we cut
10 back the Senate -- when we cut back the Senate,
11 a third of the cutback goes to the people who
12 underspent, and the people who overspent by \$8
13 million get to keep the difference.

14 This isn't a cutback. You want
15 to cut out the commission staff, give the money
16 back to the taxpayers, a million-and-a-half
17 dollars, no more commission staff. Good idea,
18 Senator Bruno. Do what you said in January.
19 Give it back to the taxpayers.

20 This budget is a disgrace.

21 SENATOR SKELOS: Mr. President.

22 ACTING PRESIDENT KUHL: Senator
23 Skelos.

1 SENATOR SKELOS: Yes, Mr.
2 President. You know, our Majority this year
3 perhaps corrected its path by electing a new
4 Majority Leader, and we're moving forward
5 constructively with many changes and reforms
6 that Senator Bruno has recommended. If we're
7 going to deal in the past and the waste of
8 taxpayers' money, we can go back to when
9 millions of dollars were spent by the Minority
10 on campaign workers on the purchasing of tokens,
11 on the putting of private investigators on the
12 payroll to investigate members of this
13 Majority. If we want to talk about wasting
14 money, Senator Connors, let's look to the past
15 as to what your Conference did back in '85 and
16 '86.

17 SENATOR CONNOR: Mr. President.
18 ACTING PRESIDENT KUHL: Senator
19 Connor.

20 SENATOR CONNOR: The point is
21 whether Senator Bruno is keeping the word he
22 gave to me and this Conference and the press in
23 January. It's not about past history. In

1 January, we heard, "We're cutting the Senate
2 budget." In January, we heard, "We're all
3 sharing equally in the cuts." In January, we
4 heard, "The commission staffs will be abolished
5 and we'll save the taxpayers money." Well, it's
6 not happening.

7 SENATOR SKELOS: Senator Connors,
8 I do believe you were talking about, last year,
9 the spending of the Majority and other comments
10 about the past.

11 We're talking about this year's
12 budget, and we are talking about the reforms
13 that Senator Bruno has proposed that will be in
14 -- in -- starting in January of '96 will be
15 fully disclosed. So let's move forward
16 positively with Senator Bruno so that we can
17 give the people the change that they want.

18 SENATOR CONNOR: Mr. President.

19 ACTING PRESIDENT KUHL: Chair
20 recognizes Senator Connor.

21 SENATOR CONNOR: Let's disclose
22 them now. Every member of this Minority now
23 knows as of this January for the first time not

1 only how much they get in staff, but how much
2 this person in the seat next to them gets in
3 staff, and if anybody liked disclosure, we will
4 be happy to do that. Disclose now. If you can
5 propose a budget to spend \$71 million and
6 reappropriate another \$4 million, if you can do
7 that today, don't tell me you can't tell how you
8 are going to spend it. Disclose it today.
9 Disclose it Monday. Disclose it now.

10 ACTING PRESIDENT KUHL: Chair
11 recognizes Senator Bruno.

12 SENATOR BRUNO: Mr. President, I
13 get very concerned sometimes with the health of
14 some of the members in this chamber when they
15 get overly excited, and I know some things
16 excite us more than others, especially when it's
17 time to chastise the Majority. The Minority
18 Leader is very articulate, and he is very
19 enthusiastic, and I can understand all of that,
20 but I think that we also have to understand that
21 there are legitimate differences of opinion, and
22 I will just review for the house what we talked
23 about and where we are today, Mr. President.

1 Just for the record, the Senate
2 budget last year was 71.3 million -- last year.
3 That is the budget that is proposed this year,
4 71.3, flat. You will see an increase of about a
5 million and a half this year because of our
6 eliminating, as I had proposed to do, eight
7 commissions, which we're moving forward with as
8 we have discussed. There are people diligently
9 working on behalf of the public in those
10 commissions. That million and a half is a
11 transfer to the Senate budget so that those
12 people can continue to do their work, but they
13 will do it, Senator Connors, in the standing
14 committee that they will be transferred to.
15 That's why you will see that increase.

16 But the Senate budget is flat.
17 If you look at what we spent in those
18 commissions last year and what we're spending
19 this year, flat, no increase. So those are only
20 numbers.

21 As relates to the reapprop, what
22 I said was this house was spending on a cash
23 flow rate of \$78 million. Our budget is 71.

1 We're told -- you do the calculations -- we'd
2 run out of money in about 10 months. Run out of
3 money. And that's what led to our negotiation,
4 and we agreed with that information that we
5 would conclude as we did. So that's the
6 arrangement we made, and you have seen fit to
7 allocate your funds as you, the leader,
8 determined, and we have done that in our house.

9 So we have 4 million in reapprop
10 in this budget. If we don't cut our spending as
11 we have been moving to cut, we will run out of
12 money still with the reapprop. It disappears.
13 The Assembly has 30 million in reapprop. We
14 don't have that luxury.

15 Now, I know we have been spending
16 in this house more than we should have been
17 spending, and that's why we have had to cut and
18 contain. And, Senator, I'm very sympathetic to
19 any of the people that you have had to sever.
20 I'm even more sympathetic to the 80 to 100
21 people on this side of the aisle that we've had
22 to sever effective today, and I feel very badly
23 about that. That's all part of reducing our

1 budget by 7 million. So we're being prudent.
2 We're being diligent. We're doing the people's
3 work, and I feel badly that you feel so very
4 strongly that you were treated unfairly.

5 But I think, Mr. President, the
6 record will show that we were very equitable in
7 the distribution of the funds available in this
8 house so that each of us could do our respective
9 work on behalf of our respective
10 constituencies.

11 And, Mr. President, to my
12 knowledge, there is a leaders' meeting at 2:30
13 and that has changed about three times so far
14 today. So if that's the case, we're going to go
15 meet, and I'm going to ask Senator Skelos to
16 continue with the discussions in this house.

17 And, Senator, are you going to
18 make the leaders' meeting?

19 SENATOR CONNOR: Yes, after I
20 speak for about a minute, Senator.

21 SENATOR BRUNO: All right. But,
22 Mr. President, the work is going to go on in
23 this house, so that we can conclude passing this

1 balanced budget by tonight.

2 And I thank you.

3 SENATOR CONNOR: Mr. President.

4 ACTING PRESIDENT KUHL: Chair

5 recognizes Senator Connor.

6 SENATOR CONNOR: Briefly, I
7 sympathize with the Majority that's had to lay
8 off its loyal employees. I have some humble
9 suggestions. I have a window envelope here with
10 computer-generated mail. No Minority member
11 gets to do this computer-generated mail in a
12 window envelope. The Senate spends over a
13 million dollars just on that part of the
14 Majority's mail program. There is a system
15 called OMIS, a couple million dollar system.
16 Only the Majority gets to use it. It's targeted
17 mail.

18 So when they say, "Well, we have
19 mail allocations; Minority members get so much;
20 Majority members get a little bit more," yes,
21 but they can send theirs to blue-eyed blonds who
22 are exactly 32 years old and who live in the
23 town of Whatever, personally addressed in an

1 envelope. They don't have to send it to every
2 registered voter in the town to get that one
3 person. They can target. They can target the
4 mail.

5 The fact is, we were told, the
6 press was told, there are no Senate
7 reappropriations, and there was \$4 million
8 there, and to say the Assembly should give up
9 their \$32 million that they have in the bank
10 because they didn't spend it, should give that
11 up, because the Senate Majority in the Senate
12 spent its tens of millions in reappropriations
13 on mail programs, on very, very large staffs, is
14 just like saying the Senate Minority should cut
15 its budget because it tried to save the
16 taxpayers' money while the Senate -- to make up
17 for the fact that the Senate Majority spent
18 seven or eight million dollars extra every
19 year.

20 I have spoken to the Speaker
21 briefly about the reappropriation situation
22 there. He tells me there are capital programs
23 with contracts to abate asbestos on their side

1 of the house, and so on, the kind of things that
2 you wouldn't ordinarily put in a regular
3 budget. That's about the only thing they have
4 allocated against that.

5 But the fact is, they have the
6 money in the Assembly because they didn't spend
7 it, and it still belongs to the taxpayers, and
8 they don't have the money in the Majority
9 because they spent it; and to stand up and say,
10 "We'll give up our 4 million that's left if
11 they'll give up their \$32 million that's left,"
12 fails to account for where's the 25 to 30
13 million they already spent.

14 SENATOR STAFFORD: Mr. President.

15 ACTING PRESIDENT KUHL: Chair
16 recognizes Senator Stafford.

17 SENATOR STAFFORD: Very, very
18 briefly. As one of many who worked with Senator
19 Bruno on this, I can't let it go by without
20 saying just a word. If that letter went to who
21 it was supposed to go to, I would like to see
22 who it was, however.

23 Now, anybody on either side of

1 the aisle knows that when Senator Bruno took
2 over, we had to change, we had to reduce our
3 staffs, we had to let people go. I'm not going
4 to talk in numbers. I'm just going to say it
5 was a complete change, because we again had to
6 start living within our means. Every single
7 member will tell you they had to meet with
8 various individuals and make some very, very
9 tough decisions.

10 This is all being done so much
11 differently than it was, and I have seen it done
12 over the -- I have seen it the way it's been
13 over the years; and to have anyone stand up
14 today, anyone, and start saying that our leader
15 should be criticized or this budget should be
16 criticized, I assure you it's off base.

17 Granted it's been difficult for
18 many of us, but I think we have to tell the
19 story the way it is. It's flat, as has been
20 mentioned, and it has been made that way by some
21 very, very tough decisions made by the leader
22 and with the cooperation of those on this side
23 of the aisle.

1 Thank you.

2 ACTING PRESIDENT KUHL: Senator
3 Skelos, it's my understanding that you would
4 like the last section read.

5 SENATOR SKELOS: Can we have the
6 last section read on Calendar Number 350 and 351
7 for the purpose of Senator Goodman voting.

8 ACTING PRESIDENT KUHL: Secretary
9 will read the last section to Calendar Number
10 350.

11 THE SECRETARY: Section 5. This
12 act shall take effect immediately.

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT KUHL: Senator
17 Goodman, how do you vote?

18 SENATOR GOODMAN: Aye.

19 ACTING PRESIDENT KUHL: Senator
20 Goodman is in the affirmative on Calendar Number
21 350. The roll call is withdrawn. The bill is
22 laid aside temporarily.

23 The Secretary will read the last

1 section of Calendar Number 351.

2 THE SECRETARY: Section 6. This
3 act shall take effect immediately.

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT KUHL: Senator
8 Goodman, how do you vote on Calendar Number
9 351?

10 SENATOR GOODMAN: Aye.

11 ACTING PRESIDENT KUHL: Record
12 Senator Goodman in the affirmative on Calendar
13 Number 351. The roll call is withdrawn.

14 Return to Calendar Number 350.
15 Continuing debate on Calendar Number 350, the
16 Chair recognizes Senator Dollinger, but, Senator
17 Gold, why do you rise?

18 SENATOR GOLD: I was going to ask
19 Senator Skelos one question of clarification,
20 but if Senator Dollinger -

21 ACTING PRESIDENT KUHL: We have a
22 list going, Senator Gold, and there are three
23 individuals who have indicated at this point

1 that they would like to speak on the bill.

2 SENATOR GOLD: Can I make a
3 suggestion? You stay with your list.

4 ACTING PRESIDENT KUHL: Thank
5 you, Senator Gold.

6 Senator Dollinger on the bill.

7 SENATOR DOLLINGER: Mr.
8 President. I will address an issue related to
9 the amendments, but I couldn't let Senator
10 Skelos' comment go by without responding.

11 To be blunt, I'm one of those who
12 also agrees with Senator Skelos' comment that
13 we're in a new era, and I agree with Senator
14 Stafford for probably the first time all year.
15 I think the election of Senator Bruno was a step
16 in the right direction down that road.

17 Senator Bruno is talking about
18 things that Senator Marino never talked about,
19 and I have congratulated members of the Majority
20 for making that decision. I thought it was a
21 good decision. I thought it started us down the
22 road to doing some things differently. I think
23 the problem and the anger that you heard in

1 Senator Connor's voice, the skepticism that you
2 heard from Senator Leichter, was that although
3 the road has been paved with the language of
4 good intentions, from our side of the aisle we
5 look at this budget and see that the road
6 actually hasn't -- that we aren't following the
7 road that was laid down earlier, because we look
8 and we see a couple of things. One, we see
9 reappropriations where they were told there
10 would be none. We look at the fact that we had
11 to lay off staff, we're taking cuts.

12 The most interesting thing about
13 it, I've heard the discussion about we must live
14 within our means. Well, we on this side of the
15 aisle must live within your means that you set
16 for us. We don't have an equal distribution of
17 funds in the house. We don't have an equal
18 member allocation of funds in the house.

19 We run the house, basically, with
20 the Majority at the control, the Majority taking
21 the lion's share if not all of the funds and the
22 availability of staff and assets, the OMIS
23 system, which Senator Connor talked about, which

1 I think is frankly used for largely political
2 purposes. I would love to have it. I would
3 love to have a list of all the people in my
4 district and the day they turned 18 years old,
5 so I could send them a little note that says,
6 "You're turning 18 today. Here's your little
7 thing. Make sure you register to vote, and, oh,
8 by the way, I'm a Democratic Senator, you're a
9 Republican Senator, and wouldn't it be wonderful
10 if you all got in on the party."

11 I think that's a wonderful asset
12 to have. I'd love to have access to it. I
13 think it might have made, who knows, my
14 re-election a little bit easier as maybe it's
15 made somebody else's re-election a little bit
16 easier. It's the taxpayers' money, however, and
17 it seems to me that you have to have a fair
18 distribution of the resources.

19 I applaud the move to an itemized
20 budget. I know Senator Leichter wants to
21 discuss that issue in his amendment, and I
22 believe that an itemized budget is the way to
23 go, because then we will be able to look at all

1 those expenses.

2 I applaud Senator Connor's
3 discussion about disclosure of members and their
4 staffs.

5 SENATOR VELELLA: Senator yield
6 to a question?

7 SENATOR DOLLINGER: I'll be glad
8 to when I'm done, Mr. President.

9 SENATOR VELELLA: I was unclear
10 about something you were saying. I wanted to -

11 SENATOR DOLLINGER: We can come
12 back to it, but I believe we're on the road,
13 perhaps, to making that happen but what we're
14 seeing in this budget is a little detour, a
15 little detour back to the old practices, a
16 little detour back to the old way of doing
17 things. So we see the road paved with good
18 words and good intentions, but this budget takes
19 a little detour around that road, and those of
20 us who sit here on this side are perhaps a bit
21 skeptical that having taken this little detour
22 we'll ever get back to the road that Senator
23 Bruno originally talked about.

1 So I will discuss my amendment a
2 little bit later, but I couldn't but stop and
3 comment on Senator Skelos' comment. The
4 election of Senator Bruno may be a step in the
5 right direction. This budget from this side of
6 the aisle seems to be a step back in the wrong.

7 I'll now yield to Senator
8 Velella's question.

9 SENATOR VELELLA: I'm a little
10 confused as to what you were saying and maybe
11 you can help clear it up for me. As I
12 understood what you were saying, you were not
13 objecting to the expenditures that have been
14 made by the members of this house. You were
15 just objecting to the way they were apportioned
16 between the Majority and the Minority, but that
17 the total program was acceptable because you
18 would like to be able to mail to that 18-year
19 old and to Senator Connor's blond blue-eyed
20 person that he was mailing to. You said you
21 would like to be able to do that. You object to
22 the distribution. Is that correct?

23 SENATOR DOLLINGER: Mr.

1 President, if I could clarify. What bothers
2 me -

3 SENATOR VELELLA: A 32-year-old
4 blond.

5 SENATOR DOLLINGER: What bothers
6 me, Senator Velella, is that you can pinpoint
7 the 32-old-blond, blue-eyed woman who turns that
8 age through your system, and you can send her a
9 little note. Just put her in one of those
10 little glass envelopes that says, "Hello! By
11 the way, I'm sending you a little note because
12 you turned 32 today."

13 We on this side of the aisle, who
14 can't identify those people, can't send that
15 mail out. It's the unequal distribution of
16 resources. If we some day get to an itemized
17 budget, and we can then look at those broader
18 issues, we'll be able to engage in a policy
19 discussion about whether either side ought to
20 have access to that or whether that's just using
21 the taxpayers' money to fund a campaign
22 operation.

23 SENATOR VELELLA: Will the

1 Senator yield for one last question?

2 ACTING PRESIDENT KUHL: Senator
3 Dollinger, do you yield to one last question?

4 SENATOR DOLLINGER: I will, Mr.
5 President, one last question.

6 ACTING PRESIDENT KUHL: Senator
7 Dollinger yields.

8 SENATOR VELELLA: Would you
9 explain to me, if you know -- and many of us
10 have had the luxury or I guess the problem of
11 serving in the Assembly for many years. I
12 myself was there ten years in the Minority and
13 many of the others who are here. What is the
14 difference in the policy between the two
15 houses? Are the Assembly members given that
16 same opportunity to mail and to have the same
17 privileges, and do you think that Speaker Silver
18 is unfair in the way he distributes the assets
19 of the Assembly, and would you like to see
20 changes in the Assembly so that they can better
21 provide the Minority members in the Assembly
22 with more of those, or would you work with
23 Assemblyman Silver and Speaker Silver to do it?

1 SENATOR DOLLINGER: Mr.
2 President. My position, I guess, has been
3 contrary to those perhaps of other members of my
4 party. My position has been the rules of the
5 house ought to be the same for all members,
6 whether the rules of this house or the rules of
7 that house. We all ought to be on the same
8 playing field. We all ought to have access
9 to -

10 SENATOR VELELLA: When
11 Assemblyman Silver does it, maybe we'll do it.

12 SENATOR DOLLINGER: There, again,
13 Mr. President, we get back to that issue of who
14 is going to take that first step. And,
15 obviously, the lords of this house have decided
16 we're not going to take any steps, because what
17 we're talking about, quite frankly, is the
18 preservation of the political majority in this
19 house, as they may be talking about in the other
20 house.

21 But the bottom line is we're
22 using the taxpayers' money. We ought to account
23 for it. We talk about an itemized budget. We

1 start down the road of an itemized budget. What
2 we see in this budget is a little retreat back
3 to the old bad ways that we all acknowledged
4 perhaps under the prior Majority Leader.

5 My advice would be let's start
6 down the road. Let's make this budget conform
7 to part of the right road rather than a step
8 backwards.

9 ACTING PRESIDENT KUHL: Senator
10 Nozzolio waives.

11 Senator Paterson, my
12 understanding is you want to offer up some
13 amendments or through you?

14 SENATOR PATERSON: Yes, we have
15 some amendments, Mr. President.

16 First, I would just like to
17 second what Senator Dollinger is saying. What
18 we're talking about is, in the end, who is going
19 to take leadership? Who is going to take
20 responsibility, and who is going to reform the
21 process?

22 I think Senator Velella probably
23 made a very good point. There were plenty of

1 times that I got up on this side of the aisle
2 and railed about a lot of issues, and then one
3 of my colleagues, a Republican, got up and said,
4 "Well, how about, how do they do it in the
5 Assembly?" Then at that point, I guess, I'm
6 supposed to say something. But in the end, they
7 are right. We have two houses of government.
8 They are both leadership dominated. They both
9 appropriate finances in an inadequate way when
10 one considers that the constituents of New York
11 State deserve what would really be more equity.

12 My solution would be that you
13 take the percentage of the house and divide that
14 by the members; so in other words, if the
15 majority party has 60 percent of the seats, then
16 they get 60 percent of the resources. That
17 would probably equalize it with one person and
18 one vote.

19 But what we have in this
20 particular process as of January 19 is we have
21 an attempt by the Majority Leader to come
22 forward with some reforms in the realm of the
23 press release; in other words, going to the

1 public and saying, "We're going to take that
2 step forward. We are going to start making
3 those changes." So I guess you can understand
4 how the Minority Leader, who was here just a few
5 minutes ago, would get a little upset when he
6 starts to realize that the reforms that were
7 promised don't seem to be fulfilled.

8 And this is really what the
9 public is saying is wrong with us, that we in
10 politics engage in absurd extremes, make
11 promises we can't keep, raise hopes we can't
12 fulfill; and if we really want to get away from
13 that, if we want to offer some workable,
14 sensible, achievable solutions for taxpayers,
15 then we've got to start by cleaning up our own
16 house.

17 There isn't one minute every day
18 that I don't look at how beautiful this chamber
19 is and admire just the aesthetic value of this
20 chamber in which we work, and yet, in the early
21 1970s, there was a large appropriation that was
22 granted to actually restore it to the precious
23 artistic and cultural value that it has, but

1 that was completed many years ago. That money
2 has continued to flow into the Senate budget.
3 Where did that money go? Where is it?

4 I'm sure it was used just as
5 effectively as creating the visual greatness
6 that the chamber has. Where did the extra money
7 go that has continued to come in? It's easy to
8 say there is a flat spending; but when the
9 spending is frittering taxpayer dollars away in
10 a reckless fashion, I don't know that that is
11 something that should be flat. That's more like
12 a plateau.

13 What we really need is to go into
14 the valley, go down to something that's
15 reasonable and apportion it in an equitable
16 fashion.

17 Mr. President, I now would yield
18 to someone who has been talking about this for a
19 number of years, Senator Leichter, who would
20 like to offer an amendment involving the itemi
21 zation of the Senate budget.

22 ACTING PRESIDENT KUHL: Chair
23 recognizes Senator Leichter.

1 SENATOR LEICHTER: Thank you, Mr.
2 President.

3 At this time I ask whether an
4 amendment 80104-01-5 is at the desk.

5 ACTING PRESIDENT KUHL: Senator
6 Leichter, the amendment is at the desk.

7 SENATOR LEICHTER: Thank you.

8 At this time I would like to call
9 up the amendment. I waive its reading and ask
10 an opportunity for a brief explanation.

11 Senator Bruno said earlier -

12 ACTING PRESIDENT KUHL: The
13 reading of the amendment is waived and the
14 opportunity to explain it is offered to you at
15 this time, Senator Leichter.

16 SENATOR LEICHTER: Senator Bruno
17 asked for our suggestions on an itemized budget,
18 and I'm happy to put forward that suggestion in
19 the form of an amendment which mandates and
20 binds this Senate and this Legislature to come
21 up with an itemized budget, not an itemized -
22 not something that's near an itemized budget,
23 that's almost as good as an itemized budget.

1 This will be an itemized budget, and let me say
2 that one thing that I'm concerned about in
3 Senator Bruno's statement, "wait until next
4 year", and we in New York -- we know that
5 phrase, "wait until next year", and it doesn't
6 always mean what it says.

7 Let me make it very clear. I
8 certainly don't question Senator Bruno's good
9 faith, but we know the vagaries of politics and
10 some of the things that happen, and I don't want
11 to be in a position like the King in Alice in
12 Wonderland. He was told that he could have jam
13 tomorrow but never today.

14 I would like to have an itemized
15 budget today, and we will later on produce an
16 itemized budget and give you a chance to vote on
17 one and actually decrease expenditures, but what
18 this amendment does, it just says -- or it sets
19 forth the format for an itemized budget, where
20 you've got to put down staff levels. You have
21 to say how much they get paid, we detail such
22 things among non-personnel items, subscriptions
23 and periodicals, member travel, staff travel.

1 For each committee you have to state counsel
2 staff, bill clerks, everything. It's all there,
3 and it's not just a matter we're going to make
4 it public, but it is in legislation. It sets -
5 it sets the structure of how the Legislature
6 will spend its money.

7 Mr. President, I would like to
8 see everybody join in the commitment to an
9 itemized budget by supporting this amendment.

10 I move the amendment.

11 ACTING PRESIDENT KUHL: The
12 question is on the amendment. All those in
13 favor signify by saying aye.

14 (Response of "Aye".)

15 SENATOR PATERSON: Party vote in
16 the affirmative.

17 ACTING PRESIDENT KUHL: Opposed
18 nay.

19 (Response of "Nay".)

20 The Secretary will call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT KUHL: Record

1 the party line votes and announce the results.

2 THE SECRETARY: Ayes 21, nays 36,
3 party vote.

4 ACTING PRESIDENT KUHL: The
5 amendment fails.

6 Senator Paterson, was Senator
7 Jones next to be recognized?

8 Senator Jones for the purposes of
9 an amendment.

10 SENATOR JONES: Yes. I believe I
11 have an amendment at the desk and I would waive
12 its reading and ask for a moment to explain.

13 ACTING PRESIDENT KUHL: There is
14 an amendment at the desk. The reading of it is
15 waived. The opportunity to explained it is
16 offered to you at this time.

17 Senator Jones.

18 SENATOR JONES: Thank you, Mr.
19 President.

20 Actually, I'm kind of embarrassed
21 getting up this year in offering an amendment to
22 fix our accounting because I feel so comfortable
23 that reform is on the way, and I'm sure it's

1 something that you've probably already thought
2 of, but someone told me once, if you don't get
3 it in writing, you can't really depend on that
4 it's going to happen. So I decided I would
5 bring it up anyway, because it's really
6 basically just plain good accounting that
7 certainly all of us must want to do.

8 I admit it was somewhat of a
9 surprise to me when I first came here and looked
10 at what we presented as a legislative budget and
11 then take a look at the congressional one and
12 see these pages of accounting that accounts for
13 32 cent stamps and everything and then our
14 measly little two pages.

15 Well, I have another suggestion
16 today. What I'm asking for in my amendment is
17 quarterly accounting, and not just from us. I
18 believe the Governor should be held to the same
19 standards as well as all of the state agencies.

20 And my reason for that is besides
21 the fact that it's certainly good accounting
22 practice, but my reason is I believe everyone
23 needs some guideposts along the way, just to

1 make sure that you are following the budget and
2 you are doing the right thing and on track.

3 I know it seems like we've
4 accidentally, sometimes in election years,
5 particularly, spent too much money and all of a
6 sudden at the end of the year, the expenditures
7 were more than we thought they were going to be
8 in the beginning of the year. So I guess I'm
9 hoping if we look at it every quarter and check
10 ourselves against what we budgeted, in the end
11 we'll come out with the right amount and won't
12 be standing here as we are today or last year
13 worrying about the extra money that we seem to
14 have gotten spent. We'll be able to catch
15 ourselves in time and do the right thing.

16 So what my amendment is saying is
17 asking for a quarterly accounting report from us
18 as well as from the Governor and as well as from
19 the agencies, because I know Senator Bruno
20 mentioned before that some of them, you know, do
21 the same, sounded like slipshod accounting that
22 we seem to be stuck on. So I certainly want all
23 of us to do the right thing and, therefore, my

1 amendment would ask that we have a quarterly
2 accounting.

3 ACTING PRESIDENT KUHL: Senator,
4 Nozzolio, why do you rise?

5 SENATOR NOZZOLIO: Would Senator
6 Jones yield?

7 ACTING PRESIDENT KUHL: Senator
8 Jones, will you yield to Senator Nozzolio?

9 SENATOR JONES: Yes, I will.

10 ACTING PRESIDENT KUHL: The
11 Senator yields.

12 SENATOR NOZZOLIO: Senator, how
13 much will this additional amendment add to the
14 costs in the Legislature? How much is the cost
15 entailed for this additional reporting?

16 SENATOR JONES: Senator, I would
17 assume that it's a very minute cost because I'm
18 assuming that all of these expenditures must
19 already be computerized, I would hope, since
20 I've been told that at the end of the year we're
21 going to come out with an itemized accounting.
22 So I'm assuming those are already being kept and
23 are already on a computer. So I would say the

1 only amount it would entail was the printing.

2 ACTING PRESIDENT KUHL: Senator
3 Nozzolio, are you asking the Senator to yield
4 again?

5 SENATOR NOZZOLIO: Senator, I
6 assume that you don't know what the cost -- you
7 assume there is little cost but you don't know
8 what the cost will be.

9 SENATOR JONES: Well, Senator,
10 the Comptroller already has all of these
11 figures, and I'm sure there are internal reports
12 already with all these numbers on. So I don't
13 think that cost is a factor at all in the issue.

14 SENATOR NOZZOLIO: Thank you,
15 Senator.

16 SENATOR GOLD: Mr. President.

17 ACTING PRESIDENT KUHL: Senator
18 Gold on the amendment.

19 SENATOR GOLD: Will Senator
20 Nozzolio yield to a question?

21 SENATOR NOZZOLIO: Certainly.

22 ACTING PRESIDENT KUHL: Senator
23 Nozzolio yields.

1 SENATOR GOLD: Senator Nozzolio,
2 is it your position that we shouldn't have a
3 quarterly accounting because it costs too much
4 money?

5 SENATOR NOZZOLIO: Senator, I -
6 you're assuming something, I suppose, by asking
7 that question. I simply asked Senator Jones
8 what the cost of this was. She didn't seem to
9 have a cost. I think it would be important that
10 we know what the cost is before we would vote on
11 something like that.

12 SENATOR GOLD: Will the Senator
13 yield to one more question?

14 ACTING PRESIDENT KUHL: Senator
15 Nozzolio, do you yield to another question? The
16 Senator yields.

17 SENATOR GOLD: Senator, the cost
18 is \$5,000. Do you think it's a good idea?

19 SENATOR NOZZOLIO: Senator,
20 what's that based on?

21 SENATOR GOLD: It's based upon
22 the cost of the program to be put in the
23 computer that will spit out those numbers so

1 that you and everybody in your district will see
2 it penny by penny. So are you going to do it?

3 SENATOR NOZZOLIO: How is that
4 cost -- Senator, I welcome your input. I would
5 like to question you on your detail. Where do
6 you get that figure from? What's that based
7 on?

8 SENATOR GOLD: I spoke to -

9 SENATOR NOZZOLIO: Do you have a
10 bill, an invoice that shows that cost?

11 SENATOR GOLD: Excuse me, sir. I
12 spoke to someone who does the programming and
13 that's what the cost is. I didn't get the
14 invoice because Senator Bruno wouldn't give me
15 the check to pay it. I figured it was a waste
16 of a piece of paper, but the cost is \$5,000,
17 Senator. Do you think we ought to spend that
18 money?

19 SENATOR NOZZOLIO: Senator, I -

20 SENATOR GOLD: I want -

21 ACTING PRESIDENT KUHL:

22 Gentlemen, gentlemen, please.

23 SENATOR NOZZOLIO: You may say

1 it's the -

2 ACTING PRESIDENT KUHL: Senator
3 Nozzolio, let's have a little control here. I
4 would like to maintain the normal decorum of
5 this chamber, and I would appreciate it if you
6 would direct all your questions of each other
7 through the Chair.

8 Senator Gold, you have the
9 floor. Are you asking the Senator -

10 SENATOR GOLD: Thank you.

11 Will Senator Nozzolio yield to a
12 question?

13 ACTING PRESIDENT KUHL: Senator
14 Nozzolio, do you yield?

15 SENATOR NOZZOLIO: If I recall,
16 Mr. President, I was responding to Senator
17 Gold's last question.

18 SENATOR GOLD: Oh, then please go
19 ahead. Then please go ahead.

20 SENATOR NOZZOLIO: I would be
21 glad to yield to Senator Gold, but I would enjoy
22 the opportunity to answer his last question.

23 SENATOR GOLD: You're absolutely

1 correct. Please go ahead, Senator.

2 SENATOR NOZZOLIO: Thank you, Mr.
3 President.

4 Senator, you may have the
5 information upon you that says this is going to
6 cost \$5,000. I'm not sure that's correct. I'm
7 not sure it's incorrect. I'm not sure it took
8 into consideration not only the review but also
9 the publishing costs on a quarterly basis of
10 this information.

11 I'm not opposing an itemized
12 legislative budget. As a matter of fact, on the
13 contrary. I was the first Senator from either
14 party, either Majority Party in either house to
15 introduce such legislation. So I support an
16 itemized legislative budget, but we have an
17 amendment before us that asks to expand the
18 reporting requirements for that itemized budget,
19 but there is no breakdown of costs relative to
20 what that additional reporting requirement would
21 make, and I think that your blanket review of a
22 \$5,000 cost, sir, is certainly something I would
23 respect, but I also believe it bears further

1 analysis.

2 What components were making up
3 that \$5,000? What -- is it a publishing cost?
4 Is it more than just a computer cost? Is it the
5 distribution cost? Is it the staff time? Where
6 have you done the analysis? Senator Jones just
7 assumed, in her response, that it wouldn't cost
8 anything. I raised the question of cost. I
9 think that's certainly something within my
10 responsibilities as a Senator to raise.

11 SENATOR GOLD: Will the Senator
12 yield to another question?

13 ACTING PRESIDENT KUHL: Senator
14 Nozzolio, do you yield to another question?

15 SENATOR NOZZOLIO: Certainly.

16 ACTING PRESIDENT KUHL: The
17 Senator yields.

18 SENATOR GOLD: Senator, within
19 your responsibility as a Senator, I'm telling
20 you, assuming that this cost is \$5,000 to put a
21 program in that computer that will print it out,
22 will you support this amendment?

23 SENATOR NOZZOLIO: Is that -

1 Senator, the computer cost is \$5,000?

2 (Senator Gold nods head.)

3 SENATOR NOZZOLIO: What about the
4 distribution costs? What about the staff
5 costs? What about the other secondary
6 additional costs with additional reporting,
7 Senator?

8 SENATOR GOLD: Will the Senator
9 yield?

10 SENATOR NOZZOLIO: I don't know
11 if that \$5,000 price tag is something that -
12 certainly I don't see any evidence of that -- of
13 the cost being established. The sponsor of this
14 amendment said that she just assumed the cost
15 would be nothing. I don't know what the costs
16 are. It doesn't sound like the sponsor of this
17 amendment knows what the costs are, and I don't
18 think, Senator, you have demonstrated what the
19 costs are. So I can't answer that question
20 until I have evidence before me.

21 SENATOR GOLD: All right. Will
22 the Senator yield to a question?

23 ACTING PRESIDENT KUHL: Senator

1 Gold -- does Senator Nozzolio yield to another
2 question?

3 SENATOR NOZZOLIO: Certainly.

4 ACTING PRESIDENT KUHL: The
5 Senator yields.

6 SENATOR GOLD: Senator, what
7 you're saying is you don't want to answer the
8 question. The fact is that you say that you
9 have been totally ineffective, and I think
10 you're not fair to yourself, sir. You're not
11 fair to yourself. You're the first one that put
12 this thing in and after you put it in, you have
13 been able to do nothing with it. I don't
14 believe you're that ineffective.

15 Senator, if I'm telling you that
16 it costs \$5,000 to program that computer, to
17 have your dream come true, the dream that you
18 wrote to your newspapers about -- I saw that
19 letter -- for \$5,000, will you support this
20 amendment? I don't mean to you, I mean, if
21 that's what the cost is.

22 SENATOR NOZZOLIO: Senator, I
23 would be glad to respond to your question.

1 Senator, don't trivialize this
2 issue by sticking a price tag that you've got
3 out of the air and throw it on this amendment.
4 You haven't presented any evidence relative -
5 to this body, relative to the costs of this
6 amendment. You're picking a price tag out of
7 the air and throwing it on this amendment
8 without providing us with any documentation.

9 You're the one, Senator, that has
10 stood up before this floor many, many times and
11 asked us for individual itemization of costs.
12 That certainly is your right. That's your
13 responsibility. I think that if took a price
14 tag out of the air and threw it on this,
15 Senator, if it costs so much, would you support
16 it? That's not a valid question. Your
17 responsibility, Senator, is to display to this
18 house what the cost of this amendment is and
19 where you obtained those costs from.

20 SENATOR GOLD: Mr. President, on
21 the amendment.

22 ACTING PRESIDENT KUHL: Senator
23 Gold, on the amendment.

1 SENATOR GOLD: We can go back and
2 forth, but it's obvious that, whenever there's a
3 question that's too embarrassing for a
4 Republican to answer, you get no answer. I can
5 give you the Senator Velella response. "Well,
6 when you guys give us the information and
7 itemize then we'll itemize." I won't do that.

8 Senator, it's very easy at your
9 age and my age to say, "Well, you know, these
10 computers, they're just so complicated and who
11 knows what?" The fact is, Senator, that every
12 piece of information, as Senator Jones pointed
13 out, is in the computers. It's already there.
14 It doesn't cost one penny in staff to enter all
15 of that information. And somebody's says to
16 this little old computer, "Blip! Blip! Blip!
17 Blip! Blip!" You print it out, and then a
18 staff member who makes, you pick it, \$20 an
19 hour, goes over and goes, "Boom! " Let me see.
20 That's one second, \$20 an hour, it's about less
21 than a penny. And this machine which we already
22 have prints out this document, and there it is,
23 by gosh, and they can call it the Nozzolio

1 Program. It would be terrific. You would go
2 down in history, and every quarter we'll know
3 what the Legislature spent. Either you want to
4 do it or you don't want to do it.

5 Now let me tell you something. I
6 remember a long, long time ago when a member of
7 your party was considering embarrassing me in a
8 political situation, and about 20-some-odd years
9 ago when \$60 million meant something -- today
10 it's lunch money, we know that in this house -
11 they would have spent \$60 million just to buy a
12 piece of land to create a political situation.
13 When you people want to create a political
14 situation, you can always find the money.

15 Senator Bruno said that we have a
16 legislative budget that's flat, and if you take
17 the four million reappropriation, even then
18 we're going to run out of money in ten months.
19 So if you think about that he's telling you he
20 intends to spend the reappropriation because,
21 even with that, we're going to run out of money,
22 or I wanted to ask him this before he left, if
23 he didn't mean that and we do run out of money

1 without the reapprop' in ten months -- everybody
2 knows we're not closing down so you're going to
3 use the reappropriation.

4 Now, as far as the Speaker is
5 concerned, I didn't speak to him, but my leader
6 said that some of that money is for asbestos
7 work and things along those lines, which is
8 fine, but as far as I'm concerned, I would like
9 to see an itemization from the Speaker. He
10 doesn't get off the hook. Let the Speaker give
11 an itemization and I'll give him the money for
12 asbestos and whatever, and whatever is left,
13 throw it back.

14 Now, I know that in the -
15 there's a lot of sports in Albany, there's golf,
16 there's bowling and there's the "pick on
17 Dollinger" sport. So when Senator Dollinger
18 yesterday was asking questions, somebody over
19 there jumped up and I forget who it was, Senator
20 Tully, but somebody jumped up and said, "Where
21 are you getting the money? Where are you getting
22 the money?" And we were talking about \$27
23 million that you promised localities and which

1 we should give them back.

2 Well, Senator Tully, I know I'm a
3 day late, but I'm allowed to be a day late.
4 I'll tell you why. When it came to the Syracuse
5 stadium, it's there but it's a day late, and a
6 lot of things are happening in the budget that
7 are a day late, so I'm going to be a day late.

8 If you use the reappropriations
9 of \$34 million, you've got 27 million to give
10 back to localities who spent the money because
11 you said they should do it, and that doesn't
12 involve Senator Bruno's extra spending of \$335
13 million and his other jostling around of 164
14 million, which means you fellows are spending -
15 spending \$499 million. You can give that other
16 money back without even doing any of that, just
17 use the reappropriation.

18 Now, Senator Connor, I think, was
19 kind today in some of his remarks, particularly
20 when he said the Assembly didn't spend its
21 reappropriation, so it's sitting there for the
22 people. I think that's too kind. I think
23 that's nonsense. I say you give that money back

1 in the budget. How in heck do you cut programs
2 and hold \$34 million just off on the side?
3 That's money that you don't have to tax for or
4 it's money you don't have to have fees for.
5 That's money that's sitting there. No extra
6 taxes to spend that \$34 million. So whatever it
7 is that you finally wind up doing, understand
8 that there's 34 million more that you could deal
9 with.

10 And while I'm at it, you know, I
11 wish that we could make financial arguments to
12 the public, but I know when you talk about
13 numbers, people get very edgy and nervous. So
14 we decided to make it a little simpler. You
15 know, you're talking about cutting taxes and
16 doing some things. So you take somebody in one
17 of your districts with \$30,000 in income, the
18 tax cut is \$65, but they're going to lose 215 in
19 TAP, and for everybody in the state that you're
20 giving money back to who has kids in school or
21 parents, they're getting chopped to heck on this
22 budget.

23 Having said that in general, back

1 to Senator Jones. I will admit, and everybody
2 on this side of the aisle, by the way, has
3 admitted that, when we saw the first statements
4 by Senator Bruno, we started to get excited
5 because we said, "Look. You have a new broom
6 and he's not bound to some of the political
7 philosophies. We will have an open Legislature
8 and an open budget", and he promised. He
9 promised.

10 The bottom line is that a lot of
11 your promises in the past have worked
12 politically because the public has never held
13 you to them because the press doesn't just print
14 out there that these promises turn out to be
15 lies, and they are our only link with your
16 constituents. So when it comes to playing the
17 game, I give you an A-plus, because you know you
18 can tell untruths, not perform, not go forward
19 and, as long as the public doesn't find out
20 about it, you did great.

21 But this is a commitment you
22 should keep. The only thing required to keep
23 this commitment is to have somebody just tell

1 the computer to print. That's all you've got to
2 do, because all this information is in the
3 computer. The cost is minimal, and you want to
4 start talking about, "Well, you didn't figure
5 the printing costs and the binding costs, and
6 the distribution cost."

7 Charge. You don't want to charge
8 for these being available, put one in the
9 library. Let anybody who wants -- we have -- we
10 have lobbying groups that subscribe to services
11 where they get legislative information. Now,
12 you can get bills. You can get documents, but
13 people pay money to be part of a service. Put
14 the information out there and you'll be amazed
15 at how ingenuous people will be in finding out
16 how to get that information, but at least put it
17 out there.

18 The worst thing they should say
19 about the Senate is that we provided the
20 information but there weren't enough copies.
21 You make copying number one, and I guarantee
22 you, there will be a way to find the rest of the
23 copies.

1 ACTING PRESIDENT KUHL: Senator
2 Jones on the amendment.

3 SENATOR JONES: Yes -- no, Mr.
4 President. I would like to ask a question. I'm
5 not sure who I should direct it to, perhaps
6 Senator Skelos.

7 ACTING PRESIDENT KUHL: Senator
8 Jones, on what issue?

9 SENATOR JONES: On this
10 amendment, an issue that Senator Nozzolio
11 brought up. I guess I need a clarification on
12 the question of the records. I did make an
13 assumption, and I would like to ask a question
14 whether or not my assumption was erroneous.

15 Yes, I would like Senator -- I
16 assume Senator Skelos could answer for me.
17 Would you yield?

18 ACTING PRESIDENT KUHL: Senator
19 Skelos, do you yield to a question to Senator
20 Jones?

21 SENATOR JONES: Perhaps you could
22 consult Mr. Sloan sitting next to you. I guess
23 my level of concern has been raised a little bit

1 here listening to Senator Nozzolio's questions.
2 You're absolutely correct, I did make the
3 assumption you are accounting for everything as
4 you go. Could I have a yes or no, is that
5 correct, if today March 31st, someone wanted to
6 know what we had spent, you are keeping
7 records?

8 SENATOR SKELOS: They're in the
9 process of getting ready to do exactly that.

10 SENATOR JONES: Would the Senator
11 yield to one more question?

12 ACTING PRESIDENT KUHL: Do you
13 yield to another question, Senator Skelos?

14 (Senator Skelos nods head.)

15 SENATOR JONES: In other words,
16 Senator -- could I clarify, you're saying there
17 are no records right now but we're going to have
18 some?

19 SENATOR SKELOS: We are in the
20 process of setting up an expenditure report
21 process.

22 SENATOR JONES: A process -- I
23 guess, could I -- will the Senator yield to one

1 more question?

2 ACTING PRESIDENT KUHL: Senator
3 Skelos, do you yield to one more question? The
4 Senator yields.

5 SENATOR JONES: I'm sorry,
6 Senator. Not being an accountant, maybe you
7 could just clarify. What exactly does that
8 mean? Do we know how much we've spent, we just
9 haven't figured out how to put it in the report
10 yet or does it mean we don't know so we're going
11 to figure it out later?

12 SENATOR SKELOS: Basically, what
13 will happen is what is spent will be reported.

14 SENATOR JONES: Okay. Maybe let
15 me -- it means then, in other words -- could you
16 clarify? You're saying we know what we've
17 spent, we just don't have it in a report yet, is
18 that correct?

19 SENATOR SKELOS: We are in the
20 process -- as I said, we are in the process of
21 establishing an expenditure report process as
22 was mentioned in January by Senator Bruno.

23 SENATOR JONES: Okay. Thank you,

1 Senator.

2 SENATOR WALDON: Mr. President.

3 ACTING PRESIDENT KUHL: Senator
4 Waldon.

5 SENATOR WALDON: Thank you very
6 much, Mr. President.

7 Would the good Senator from
8 Nassau County yield to a question or two from
9 me?

10 SENATOR SKELOS: Which Senator
11 from Nassau County?

12 SENATOR WALDON: Senator Skelos.

13 SENATOR SKELOS: Where's Levy
14 when you need him?

15 ACTING PRESIDENT KUHL: Senator
16 Waldon, the Senator yields.

17 SENATOR WALDON: Thank you very
18 much, Mr. President.

19 To my colleague, Senator Skelos,
20 Senator, I am a neophyte when it comes to
21 accounting procedures. In fact, my wife
22 balances our checkbook to make sure that, you
23 know, everything is taken care of.

1 SENATOR SKELOS: I balance mine.

2 SENATOR WALDON: My wife balances
3 your checkbook? (Laughter.)

4 SENATOR SKELOS: No. I said I
5 balance mine.

6 SENATOR WALDON: Hey, you never
7 know. Being serious, the question that I need
8 to put to you is from this day, March 31st, and
9 back as far as the human eye and the human arm
10 can see -- the eye can see and the arm can reach
11 -- has this Senate of this great state
12 maintained an accounting system that we could
13 research and look through and see where all of
14 the expenditures have occurred, meaning what we
15 bought, when we bought it, who authorized it, et
16 cetera, et cetera, et cetera and infinite?

17 SENATOR SKELOS: To the best of
18 my knowledge, the state Comptroller's Office has
19 a record of all items that were paid by the
20 Senate and, I believe, you also get a report on
21 this.

22 SENATOR WALDON: Mr. President,
23 would the Senator -

1 ACTING PRESIDENT KUHL: Senator
2 Skelos, do you continue to yield? The Senator
3 yields.

4 SENATOR WALDON: I thank you, Mr.
5 President.

6 I'm not aware that we get such a
7 report. If Steve -

8 SENATOR SKELOS: Talk to your my
9 Minority Leader.

10 SENATOR WALDON: I will do that.

11 SENATOR SKELOS: Talk to your
12 Comptroller.

13 SENATOR WALDON: I will do that.
14 I assure you, as the sun rises in the east -
15 some people say it rises in the west, but I will
16 do those things, and I appreciate that.

17 But the point that I need you to
18 address, if you would be so kind, is do we, the
19 Senate of the state of New York, have a
20 record-keeping process that, to date, indicates
21 what we, as a Senate body, has -- and have
22 spent, and is that somewhere and can it be
23 reviewed? Is it subject to freedom of

1 information? Can we find out what we've done
2 with the money that we do whatever we do with?

3 SENATOR SKELOS: From what I
4 understand, the official books are maintained by
5 the Comptroller.

6 SENATOR WALDON: Okay. The
7 unofficial books.

8 If I may, Mr. President, last
9 question. I don't want to make this a charade.

10 ACTING PRESIDENT KUHL: Senator
11 Skelos, do you continue to yield? The Senator
12 yields.

13 SENATOR WALDON: With all
14 sincerity, Senator Skelos, I'm trying to be as
15 serious as possible because this is a serious
16 concern. Does the Senate have a set of books or
17 are you saying that the Senate has no set of
18 books for all of the money that's been spent
19 over the years or are you saying is the only set
20 of books the Comptroller's set of books or do we
21 have two sets of books?

22 SENATOR SKELOS: We are in the
23 process of putting together a report, an

1 expenditure report, that will be available to
2 the public at large and including yourself as a
3 state Senator.

4 SENATOR WALDON: Thank you, Mr.
5 President.

6 Would I be at liberty to speak on
7 this prior to sitting or do I have to wait for
8 the process to go -

9 ACTING PRESIDENT KUHL: We're
10 really addressing the issue of the amendment,
11 right now, Senator Waldon, and that's -

12 SENATOR WALDON: And I can or
13 cannot speak on the amendment?

14 ACTING PRESIDENT KUHL: You can
15 speak on the amendment, if you would like to
16 speak on the amendment, certainly.

17 SENATOR WALDON: Thank you very
18 much, Mr. President.

19 ACTING PRESIDENT KUHL: Senator
20 Waldon, on the amendment.

21 SENATOR WALDON: I will be
22 extremely brief.

23 I have seen some dancing in this

1 great place. I have seen some two-steps, some
2 tangos, I've even seen a merengue, but I am
3 fascinated by the response of our dear beloved
4 Senator Dean Skelos who did not respond, in my
5 opinion, appropriately to the question, did not
6 answer it, and so I leave on the ether as I sit
7 down. I want to know where are the books that
8 indicate what we have spent, and I ask the gods
9 of the accounting in heaven to enlighten us.

10 Thank you very much, Mr.
11 President.

12 ACTING PRESIDENT KUHL: Thank
13 you, Senator Waldon.

14 Senator Dollinger, on the
15 amendment.

16 SENATOR DOLLINGER: Mr.
17 President, may I ask a question perhaps of
18 Senator Skelos in consultation with Mr. Sloan?

19 ACTING PRESIDENT KUHL: Senator
20 Dollinger, the amendment is being carried by
21 Senator Jones. We're getting -- deviating from
22 past practice, sort of asking the sponsor of a
23 bill or an amendment the questions about the

1 bill.

2 SENATOR DOLLINGER: Let me ask
3 the question then of Senator Jones, if I might.

4 ACTING PRESIDENT KUHL: Senator
5 Jones, do you yield to Senator Dollinger?

6 SENATOR JONES: Certainly.

7 ACTING PRESIDENT KUHL: The
8 Senator yields.

9 SENATOR DOLLINGER: Senator,
10 we're told that there is present in the Senate a
11 Majority-only system called the OMIS system, one
12 of the most sophisticated computer programs in
13 the world, because it can identify those
14 blonde-haired blue-eyed people that live in
15 Senator Velella's district.

16 My question is, do you think that
17 complicated computer system that the taxpayers
18 have paid for can be worked over so that we
19 could send to that blonde-haired, blue-eyed
20 woman, an itemized accounting where we spend the
21 taxpayers money; is that possible, Senator, do
22 you know?

23 SENATOR JONES: Well, I only

1 answer, Senator, on the basis of hearsay since I
2 have no knowledge of or experience with this
3 system, but -- which is the unfortunate part of
4 it, but from what I've heard, this system
5 obviously can do most anything, so it would seem
6 to me this adoption of it would be perfectly in
7 order.

8 SENATOR DOLLINGER: Mr.
9 President, I would just -

10 ACTING PRESIDENT KUHL: Senator
11 Dollinger, on the amendment.

12 SENATOR DOLLINGER: -- on the
13 floor, if we can pick the blonde-haired, blue
14 eyed needle out of a haystack in Senator
15 Veleva's district with the OMIS system and send
16 them a little letter that says "Happy Birthday"
17 but we don't have the computer sophistication to
18 find out how we spent \$70 million last year in
19 the taxpayers' funds, it's inconceivable to me
20 that this house could be run that way. Maybe
21 it's true, but it seems to me inconceivable.

22 I continue to support this
23 amendment. I hope everyone will support it so

1 that we can take this fancy computer system and
2 let it inform the people about what they need to
3 know rather than what the Senate Majority might
4 like them to know about their political success.

5 ACTING PRESIDENT KUHL: The
6 question is on the amendment. All those in
7 favor signify by saying -

8 Senator Abate, you want to
9 explain your vote? No.

10 SENATOR ABATE: No. This is -

11 ACTING PRESIDENT KUHL: On the
12 amendment.

13 SENATOR ABATE: I have some
14 additional questions on the amendment.

15 Would Senator Skelos yield to a
16 question?

17 ACTING PRESIDENT KUHL: Senator
18 Abate.

19 SENATOR SKELOS: I'm not the
20 sponsor of the amendment. If you have questions
21 on the amendment, ask Senator Jones.

22 SENATOR ABATE: Well -- but I
23 think the questions that I have, the answers lie

1 with the Senate Majority.

2 SENATOR SKELOS: There's an
3 amendment that's been proposed by Senator Jones,
4 not by a member of the Senate Majority. If you
5 have questions on the amendment, direct them to
6 Senator Jones.

7 SENATOR ABATE: But there have
8 been issues that have been raised that make the
9 amendment that much more critical, and for me to
10 make a decision whether I want to support that
11 amendment, I need answers from the Senate
12 Majority.

13 SENATOR SKELOS: I refuse to
14 yield.

15 SENATOR ABATE: You refuse to
16 yield?

17 SENATOR SKELOS: Yep.

18 SENATOR ABATE: Will any of the
19 Senators from the Senate Majority yield to my
20 question?

21 ACTING PRESIDENT KUHL: Senator
22 Abate. Senator Abate, you have the floor and,
23 if you have some specific Senator that you want

1 to ask to yield, that's fine. The practice in
2 this house has been that, when a person offers
3 an amendment, in fact, that person yields to
4 other members of the Senate in response to
5 questions they may have about an amendment or
6 about a bill.

7 We're not in the practice and
8 have not been in the practice of individually
9 singling out members of the other party or of
10 the same party for purposes of making a point.

11 This is not a political debate
12 and it's not intended to be a political debate
13 for political purposes. We're here to further
14 the cause of legislation on behalf of the people
15 that we all represent.

16 Now, if you have a question of
17 Mrs. Jones, if you would like to direct that to
18 her, I'm sure she would be willing to entertain
19 that.

20 SENATOR ABATE: Well, let me just
21 talk on the amendment.

22 ACTING PRESIDENT KUHL: Senator
23 Abate, on the amendment.

1 Senator Paterson, why do you
2 rise?

3 SENATOR PATERSON: Mr. President,
4 I would just like to have some clarification
5 first.

6 Yesterday in the chamber I had an
7 amendment that was on the floor, and during the
8 process of the debate on my amendment, I believe
9 it was Senator Saland asked Senator Dollinger to
10 yield and he was not the sponsor of the amend
11 ment. So I just want to know what the process
12 is so that we'll be clear on it.

13 ACTING PRESIDENT KUHL: Well, the
14 rules essentially talk about the Senator
15 yielding in response to -- when he has the floor
16 to another individual, and we have not in the
17 past been in a position where we're going around
18 and selectively picking people and -- for
19 political purposes. The response and usually
20 the questioning has resolved -- been directed at
21 resolving questions to proposals that are on the
22 floor.

23 Now, if a member wishes to

1 voluntarily, certainly, offer up information
2 that will help to clarify an issue, that's up to
3 them to do when they're recognized by the Chair
4 and they have before for those purposes, and we
5 would like to try to keep to that tradition that
6 this house has practiced in the years past.

7 SENATOR PATERSON: All right, Mr.
8 President. That's quite satisfactory and very
9 clear.

10 I would just like to put on the
11 record that Senator Abate did make a request,
12 and when it was denied, she wasn't really being
13 selective, she was being general. She just
14 asked was there anybody who could answer her
15 question, because her question pertains to kind
16 of an unsolved mystery, and I don't think anyone
17 can answer the question, Senator Abate, so we're
18 setting up a toll-free number. Anyone with
19 information leading to the discovery of those
20 books that Senator Waldon is seeking should
21 please dial 1-800-Leadership.

22 ACTING PRESIDENT KUHL: I think
23 that's too many digits, Senator Paterson, to

1 respond to AT&T.

2 Senator Abate on the amendment.

3 SENATOR ABATE: Yes. While we're
4 laughing now, this issue, I believe, is not a
5 political issue, it's a financial issue. We
6 spent an enormous amount of time about -
7 talking about fiscal responsibility, but no one
8 has received an answer.

9 If we were to ask the Senate
10 Majority today how much money we have spent, all
11 I hear is we have to go to the Comptroller's
12 Office and look at his books to get that answer.

13 My understanding of financial
14 planning -- and I think everyone would agree so
15 we don't overspend is that we have to constantly
16 have to have a snapshot of what our expenditures
17 are, compare them to our revenues, so on the
18 11th hour, a month before the end of the year,
19 we have not spent all our money.

20 Now, what's curious to me that
21 Senator Bruno, when he took over, said he was
22 outraged over the over-spending of last year,
23 and if that is true, that this would have become

1 a priority to ensure that there would be a
2 financial plan; we would have knowledge about
3 how much money is spent; it would be done on a
4 quarterly basis. To say that it will be done
5 months from now and that we'll somehow be able
6 to program it. It could be programmed within a
7 week, if we had the dedication and commitment to
8 do it.

9 This is an embarrassment to this
10 chamber. It's not about politics. I disagree
11 with the President. We have to get our chamber
12 in order. We ask the schools to do better. We
13 ask the hospitals to do better. We ask
14 businesses to do better. We ask every locality
15 to be fiscally responsible. The buck stops
16 here. We can't use the excuse, "We don't have a
17 book, we don't have a program. We don't need to
18 answer these questions because they're
19 political." The buck stops here.

20 ACTING PRESIDENT KUHL: The
21 question is on the amendment. All those in
22 favor signify by saying aye.

23 (Response of "Aye".)

1 SENATOR PATERSON: Party vote in
2 the affirmative.

3 ACTING PRESIDENT KUHL: The
4 Secretary will call the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT KUHL: Record
7 the party line vote.

8 THE SECRETARY: Ayes 21, nays
9 36. Party vote.

10 ACTING PRESIDENT KUHL: The
11 amendment is failed.

12 SENATOR DOLLINGER: Mr.
13 President.

14 ACTING PRESIDENT KUHL: Senator
15 Dollinger, for the purposes of offering an
16 amendment.

17 SENATOR DOLLINGER: Yes, Mr.
18 President. I believe I have an amendment at the
19 desk. I'd ask that it be called up. I waive
20 the reading of the amendment and ask to be given
21 an opportunity to explain it.

22 ACTING PRESIDENT KUHL: The
23 amendment is at the desk, Senator Dollinger.

1 The reading of it will be waived, and you are
2 provided with the opportunity to explain the
3 amendment.

4 SENATOR DOLLINGER: Mr.
5 President, I have to go back to something
6 Senator Velella said earlier about his
7 experience in the Assembly, and I guess I'm
8 always astounded. I don't understand the
9 psychological scars that go with being in the
10 Republican Minority in the other house, but I
11 can only gather that there -

12 SENATOR VELELLA: I have been
13 excused -- Mr. Speaker -- my Assembly days are
14 coming back. Mr. President, I have no
15 psychological scars that the Senator should be
16 revealing on the floor of the Senate. Please,
17 Senator, have some dignity.

18 ACTING PRESIDENT KUHL: Thank you
19 for your point of information, Senator Velella.

20 Senator Dollinger on the
21 amendment.

22 SENATOR DOLLINGER: Mr.
23 President, I'll remove -- I'll describe it as

1 the presumed psychological scars then, because I
2 guess I'm struck by the -- and I go back to the
3 experience in my own family. I had a child -- I
4 had a son who was born in 1979 and then I had a
5 daughter who was born in 1981 and, you know, my
6 little girl was -- of course, like most
7 families, my little girl was picked on by her
8 older brother. Well, along comes our third
9 child who is also a little boy and I'll never
10 forget the day I brought him home. We brought
11 him home, and my little daughter looked at me
12 and said, "Gee, dad, I can't wait 'til he grows
13 up so I can beat him up." Apparently taking out
14 her frustrations of having been beat up by her
15 older brother upon her little brother.

16 Well, lo and behold, the members
17 of the Assembly now come to the Senate and
18 apparently in some deep-seated psychological
19 sense of vengeance, the theory is that the
20 Senate Majority has to beat up the Senate
21 Minority. We have to go into this rule that
22 says, "We're now going to take out some
23 perceived wrongs upon our brethren here." This

1 is an opportunity to change that. This
2 amendment is an opportunity to change that.

3 This amendment would create equal
4 distribution of resources to members of this
5 body. It would recognize that we all have the
6 same interest in serving our constituents, that
7 we all have the same opportunity to serve our
8 constituents because, lo and behold, we
9 certainly wouldn't want to live in a state in
10 which you got better constituent services if you
11 happened to be born in a district that was
12 represented by a Republican rather than a
13 district that was represented by a Democrat, and
14 you would hate to find out early in your life
15 about the differences between that because you
16 might get a birth announcement from a Republican
17 Senator, but if you lived in a Democratic
18 district, you wouldn't get one of those birth
19 announcements because you don't get access to
20 the computer system that allows those birth
21 announcements to be generated.

22 So what this amendment does, Mr.
23 President, it would create in the fixing of

1 compensation, the assignment of office space,
2 the facilities and the access to records, it
3 would create an equal distribution, an equitable
4 system of distribution so that we would know
5 that circumstances of the geographic place of
6 your birth wouldn't affect -- or the geographic
7 place of your residence wouldn't affect the
8 quality of the constituent services that you
9 received.

10 I know Senator Hannon -- I see
11 Senator Hannon gesturing. He may be one of
12 those who also has those presumed psychological
13 scars. Weren't you in the Assembly for a period
14 of time, Senator Hannon? Oh, I apologize. I'm
15 asking a question. I won't do that. I'll leave
16 that perhaps to your comment.

17 I'll also give one other
18 comment. I'm willing to accept a further
19 amendment to this proposal, because this
20 proposal simply says that it will apply to the
21 Senate. Karaoke mike is open. Anybody who
22 wants to get up and propose an amendment to make
23 this apply to the Legislature, not only the

1 Senate but the Assembly as well, so that
2 hopefully we can change some of those perceived
3 psychological scars that are now being inflicted
4 on members of the Assembly.

5 So this amendment will create
6 equality. It will create equal distribution. I
7 should point out, I think Senator Waldon,
8 myself, Senator Montgomery, frankly, there's a
9 serious side to this amendment as well. It's
10 very simple. I believe that Section 2 of the
11 Voting Rights Act may apply to the actions of
12 this body as it distributes resources to those
13 of us who represent significant populations of
14 African-Americans, Hispanics, Puerto Ricans and
15 non-white populations, and I believe that it may
16 be required by the Voting Rights Act that these
17 resources be evenly distributed as part of the
18 command in the Voting Rights Act not to allow
19 unfair representation in districts which have
20 large minority populations. So perhaps as
21 humorous a vein as this is offered in, I believe
22 it has a very significant and serious side.

23 This is the way Congress does

1 it. The staffs are equal. The opportunities
2 are equal. It should be done here. We should
3 raise the level of this institution, get rid of
4 that little tinge of politics that -- while I
5 appreciate the President's comments about
6 political speeches, sometimes political speeches
7 are necessary because there are other things
8 happening that involve the politics of a
9 distribution of power between a majority and
10 minority. I would simply say if -- this is
11 another step down the road, which I hope will
12 lead to the same kind of promise that Senator
13 Bruno Made in January.

14 ACTING PRESIDENT KUHL: The
15 question is on the amendment. All those favor
16 signify by saying aye.

17 (Response of "Aye".)

18 Opposed, nay.

19 SENATOR PATERSON: Party vote.

20 ACTING PRESIDENT KUHL: The
21 Secretary will call the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 21, nays

1 36. Party vote.

2 ACTING PRESIDENT KUHL: The
3 amendment is lost.

4 Senator Paterson.

5 SENATOR PATERSON: Mr. President,
6 would you please recognize Senator Galiber?

7 ACTING PRESIDENT KUHL: Senator
8 Galiber.

9 SENATOR GALIBER: Thank you, Mr.
10 President.

11 I have an amendment. I'm hoping
12 that it's at the desk and if there are no
13 procedural problems with me going forward with
14 the amendment.

15 ACTING PRESIDENT KUHL: Senator
16 Galiber, we do have an amendment at the desk.
17 Are you asking that the reading of it be waived
18 and that you be given an opportunity to explain
19 it?

20 SENATOR GALIBER: That's correct,
21 Mr. President.

22 ACTING PRESIDENT KUHL: The
23 reading is waived and Senator Galiber is

1 recognized for the purposes of explaining the
2 amendment.

3 Senator Galiber.

4 SENATOR GALIBER: Mr. President,
5 we have introduced this amendment in previous
6 years, and it has obviously not passed.

7 We introduce it this year in the
8 spirit of reform that we've heard so very much
9 about. We introduce it because there are
10 unfairness, if you will, in this chamber.

11 What we would attempt to do is
12 almost a self-governing amendment. It says
13 simply that we would create a management
14 council. This management council would consist
15 of members here in the chamber, six members,
16 bipartisan. The Majority Leader would have one
17 appointee, the Minority another, the Deputy
18 Minority and the Deputy Majority, and one to be
19 left over because the count is, obviously, four
20 and it represents -- and there would be, Mr.
21 President, two additional rep's from the
22 Minority and the Majority.

23 Not only in the spirit of reform,

1 but in the spirit of what most of these
2 amendments are talking about today that there
3 should be some equity, some breakdown, and there
4 are those of us who are aware of the fact that
5 there's an Assembly on the other side, and I
6 often speak to my good friend, Guy Velella, and
7 I tell him that -- I said to him that, if I
8 could wind up passing one piece of legislation
9 and what it would be would be a piece of
10 legislation which said that, if you were a
11 member of the Assembly, you would be precluded
12 from running for the Senate because, rightly so,
13 when you come here -- and I said "rightly so" -
14 you are mean in spirit because you have been
15 treated so very badly in the other house. Be
16 that as it may, we represent the upper house.
17 Theory to be more dignified, more fairer, a
18 little more gentle.

19 Now, we've heard a lot about the
20 allocations about today, and if I'm correct -
21 and if I'm not, I'm prepared to be corrected -
22 that the allocations still come out to roughly a
23 seven to one ratio, seven for the Majority and

1 one percent for the Minority. What this council
2 would do, again, in the spirit of the new
3 administration and reform, if you will, this
4 council would be able to deal with a number of
5 things -- and this is no reflection on Steve
6 Sloan, taking anything away from him, but this
7 council would have the responsibility of doing a
8 number of allocations that would be fair and
9 equitable.

10 For example, we have -- and all
11 of you know this, but we don't act that way -
12 297- constituents, I believe -- thousand,
13 297,000 in each Senatorial District. Each
14 Senatorial District from the Senate has the same
15 number. And I recall some years ago running
16 into Ron Stafford prior to my actually being
17 here, and he used to tell me that his was spread
18 out so far that we needed a little -- what do
19 you call it, the airplanes -- Piper Cubs to get
20 around his district. In my district, I just
21 ring door bells for 24 stories and do it, but we
22 shouldn't be punished for that.

23 We certainly understand in a real

1 world, not fighting the windmills too often,
2 that you're the Majority, and there's a
3 preferred position to be in. We would like to
4 be in that position, and we keep attempting to
5 do it. Some day we will succeed but, certainly,
6 our colleagues, not a seven to one ratio, not my
7 297,000 constituents which are the same as
8 yours.

9 The envelopes, if you will, we
10 make mention to, the newsletters, the things
11 that we don't get, some of it goes with the
12 Majority. What this council would do, very
13 frankly, is to attempt -- and again you have the
14 numbers because the majority of the numbers
15 would be able to win if there was a vote, but at
16 least it would give us an opportunity to work a
17 bit more fairly than we have in the past.

18 I think it's worth a try. We've
19 tried before, as I mentioned earlier, in the
20 past administration that you had, the past
21 leadership who, by the way, was a good
22 leadership, as far as I'm concerned, I'm sure
23 most of you, but changes do come.

1 So, Mr. President, I would move
2 this amendment unless someone else wishes to
3 speak on it. It just sort of balances out the
4 equities, if you will. It gives us on this side
5 of the aisle an opportunity to serve our
6 constituents with the same dignity and respect
7 that you serve yours with. We want a share, if
8 you will, an equitable share, not a
9 disproportionate share as we have now.

10 This council would solve the
11 problem and, therefore, I would like to move the
12 amendment, Mr. President.

13 ACTING PRESIDENT KUHL: The
14 question is on amendment. All those favor
15 signify by saying aye.

16 SENATOR PATERSON: Party vote.

17 ACTING PRESIDENT KUHL: The
18 Secretary will call the roll.

19 SENATOR SKELOS: Party vote in
20 the negative.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT KUHL: Announce
23 the results on the party line votes.

1 THE SECRETARY: Ayes 21, nays
2 36. Party vote.

3 ACTING PRESIDENT KUHL: The
4 amendment is failed.

5 Senator Leichter on the bill.

6 SENATOR LEICHTER: Yes, Mr.
7 President.

8 Actually, we have another
9 amendment which, however, has not yet made it to
10 the floor, so let me just briefly discuss it.
11 Maybe it will come here in time. If not, at
12 least we'll have an opportunity for people to
13 know about it.

14 This particular amendment is
15 actually an itemized, revised and diminished
16 budget for the Senate for the fiscal year
17 1995-1996. I have difficulty in understanding
18 why we can't have a fully itemized budget before
19 us now.

20 Now, I admit to being computer
21 illiterate, and maybe it's just too difficult or
22 too hard to put all of this together, but it's
23 hard for me to understand why a budget of some

1 68-, \$70 million, and so on, when the records
2 are being kept, that somebody between January 1
3 and a couple weeks ago could not have put this
4 in a form. We were able to do it, and we'll be
5 presenting it if Bill Drafting gets its work
6 done. The problem that we have is that these
7 bills come out in the middle of the night,
8 they're put forward on to a vote. I will say
9 it's a little better than usual in others years
10 because at least the sun is shining and
11 everybody looks wide awake, Senator Skelos, but
12 the fact is that we still had very little time
13 to prepare these amendments.

14 The point also is that we were
15 able to come up with an itemized budget and,
16 finally, and maybe most important, we show how
17 you can decrease the amount that the Senate is
18 spending.

19 Now, a lot of figures were thrown
20 around in the debate between Senator Bruno and
21 Senator Connor, but let's just be very clear.
22 The Senate budget this year is an increase. I'm
23 holding here the budget for last year that was

1 adopted. The Senate appropriation was
2 \$66,679,864. There was also approximately
3 \$4,100,000 for the Senate Finance Committee.

4 This year, the appropriation for
5 the Senate in the bill that we're now debating
6 has an appropriation for Senate of 68,260,000,
7 roughly 1,500,000 more. The amount for the
8 Senate Finance Committee is flat.

9 Last year, you had a reappropri
10 ation of \$18 million. This year the reappropri
11 ation is anywhere between 5- to \$6 million.
12 Senator Bruno said 5-, I said 6-, but if you
13 look at the basic appropriation, it's higher
14 this year. So when Senator -- I'm sorry. When
15 Governor Pataki says, "We're going to spend less
16 than we did last year", that does not include
17 the Senate, and I think it's unfortunate. I
18 think it's an irresponsible act on our part, and
19 what we urge is that you adopt the amendment
20 that we have, reduce the spending.

21 Now, all of you, as I have
22 noticed these last few weeks, you like to pound
23 your chest and say, "Look how great we are."

1 We're going to return money to the taxpayers.
2 You're willing to return education money.
3 You're willing to return hospital money. You're
4 willing to return money for youth programs, but
5 when it comes to the money of the Senate,
6 nothing is too good for this Senate. We're not
7 going to return any money to the taxpayers. On
8 the contrary, we are going to appropriate more
9 for the Senate than we did last year.

10 Mr. President, you admonished us
11 not to let politics creep into our debates, and
12 I was quite shocked at the thought that that had
13 occurred, that politics should ever cast a
14 blemish on this house in our noble debates, but
15 the fact is that we're being judged as
16 politicians and we're being judged by whether we
17 keep our word.

18 And I submit to you that the
19 Senate Majority is not keeping its word, not
20 keeping faith with the voters. You're not
21 keeping your word because we still don't have an
22 itemized budget. We still don't have the
23 reporting that we need to have, and the

1 unfortunate fact is that it took a court
2 decision, a Court of Appeals, to say to the
3 Senate, "Open up your books. The public has a
4 right to know." And you know the battle that we
5 have been carrying on these last two or three
6 years. You know the time that we went to the
7 Senate Print shop. Some of the Republican
8 colleagues of ours joined us. I think they were
9 like we were. I don't know whether you were
10 there, Senator Skelos.

11 SENATOR SKELOS: Senator
12 Leichter, was that when you went and you saw
13 former Senator Masiello's notice about a concert
14 series in Buffalo?

15 SENATOR LEICHTER: Senator, the
16 thing that I most remember about it is Senator
17 Spano, his eyes were so wide, he couldn't
18 believe, as I couldn't believe. I thought I had
19 entered a Ford assembly plant. It was an
20 enormous building. All that for essentially
21 Republican newsletters, but I think we're making
22 progress with the help of the court, with the
23 new Majority Leader. We've -- we've made

1 promises at least -- I mean, progress at least
2 and promises have been made to the public and
3 promises that have been made on the floor. We
4 regret the fact again we don't have that
5 itemized budget here before us now. We regret
6 the fact that once again, there are
7 reappropriations, money that belongs to the
8 taxpayers, money that we could right now return
9 and all of you could send out a newsletter or a
10 new release saying, "I was part of a successful
11 payment of \$6 million to the taxpayers." You
12 all do it.

13 And finally, we regret that we
14 have a legislative budget that, for the Senate
15 and only for the Senate, has an increase over
16 the appropriations made last year. Unfortunate
17 ly, it seems that Bill Drafting has not gotten
18 the amendment ready. I don't see -- let me just
19 check for a moment.

20 SENATOR SKELOS: Senator
21 Leichter. While you're checking that, Mr.
22 President -

23 ACTING PRESIDENT KUHL: Senator

1 Skelos.

2 SENATOR SKELOS: -- what time did
3 debate begin on this bill?

4 ACTING PRESIDENT KUHL: One hour
5 and 55 minutes ago, Senator Skelos, at 1:40, so
6 the two-hour time would have expired after five
7 minutes.

8 SENATOR SKELOS: So if the
9 members so desire, they could move to close
10 debate in five minutes?

11 ACTING PRESIDENT KUHL: That's
12 correct.

13 SENATOR SKELOS: Thank you.

14 SENATOR LEICHTER: Mr. President,
15 unfortunately my amendment is not ready and
16 currently will not be. However, we do have an
17 amendment. We don't want to disappoint you
18 completely. I know that Senator Holland has
19 been sticking on saying, "I want to vote on
20 another amendment", so we're going to give him
21 one. So I'm going to yield at this time to
22 Senator Dollinger who's got a nice, very neat
23 amendment, and we'll call it a day with that.

1 Thank you.

2 SENATOR DOLLINGER: Mr.

3 President, I believe at the desk is another
4 amendment. I'd call for -- that it be brought
5 before the house. I would waive its reading and
6 ask for an opportunity to explain it.

7 ACTING PRESIDENT KUHL: Senator
8 Dollinger, there is -- Senator Dollinger, there
9 is an amendment here. I would just ask you if
10 that's meant to be the Bill Draft Number
11 80113-01-5.

12 SENATOR DOLLINGER: Let me look
13 here, Mr. President. I believe that's correct,
14 Mr. President. This is the amendment that would
15 delete all the reappropriations for the Senate.

16 ACTING PRESIDENT KUHL: Yes.
17 That is at the desk, Senator Dollinger. The
18 reading of it is waived and you are provided
19 with the opportunity at this time to explain the
20 amendment.

21 SENATOR DOLLINGER: Mr.

22 President, in the interest of absolute brevity,
23 this amendment simply deletes all the appropri

1 ations in the Senate budget. I think it follows
2 through with the promise made by Senator Bruno
3 back in January and, I think, completes the
4 process of trying to eliminate the -- what last
5 year was called the slush fund of extra money in
6 the budget and would get us back to the true
7 test of accounting, which is to plan for our
8 expenditures, determine what those expenditures
9 are and spend that money each year so that we
10 can provide a true and accurate picture of our
11 finances and our accounting to the people of
12 this state.

13 I'd move the amendment, Mr.
14 President.

15 ACTING PRESIDENT KUHL: The
16 question is on amendment. All those in favor
17 signify by saying aye.

18 SENATOR PATERSON: Party vote in
19 the affirmative.

20 ACTING PRESIDENT KUHL: The
21 Secretary will call the roll and record the
22 party line vote and announce the results when
23 tabulated.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 21, nays

3 36. Party vote.

4 ACTING PRESIDENT KUHL: The
5 amendment is lost.

6 The Secretary will read the last
7 section.

8 SENATOR PATERSON: Slow roll
9 call, Mr. President.

10 ACTING PRESIDENT KUHL: Are there
11 five members selecting that? I see one, two,
12 three, four, five.

13 The Secretary will call a slow
14 roll call on Calendar Number 350.

15 The Secretary will read the last
16 section.

17 ACTING PRESIDENT KUHL: Section
18 5. This act shall take effect immediately.

19 ACTING PRESIDENT KUHL: The
20 Secretary will call a slow roll call.

21 THE SECRETARY: Senator Abate.

22 (There was no response.)

23 Senator Babbush, excused.

1 Senator Bruno.
2 (Affirmative indication.)
3 THE SECRETARY: Aye.
4 Senator Connor.
5 (Negative indication.)
6 THE SECRETARY: No.
7 Senator Cook.
8 SENATOR COOK: Yes.
9 THE SECRETARY: Senator
10 DeFrancisco.
11 SENATOR DeFRANCISCO: Yes.
12 THE SECRETARY: Senator DiCarlo.
13 SENATOR DiCARLO: Aye.
14 THE SECRETARY: Senator
15 Dollinger.
16 SENATOR DOLLINGER: Mr.
17 President, just to explain my vote.
18 ACTING PRESIDENT KUHL: Senator
19 Dollinger to explain his vote.
20 SENATOR DOLLINGER: You know,
21 Senator Gold always uses a nice melody in his
22 approach to the language on the floor of this
23 chamber. He said to Senator Tully that he was a

1 day late but he was entitled to be a day late.

2 In my view, this budget, from an
3 accounting point of view is dollars short, quite
4 a few dollars short. So we're a day late
5 perhaps, lots of dollars short. I think there
6 are other ways to do it. It would be a much
7 better budget with the amendments attached.

8 For that reason, Mr. President, I
9 will be voting no.

10 ACTING PRESIDENT KUHL: Senator
11 Dollinger in the negative.

12 The Secretary will continue to
13 call the roll.

14 THE SECRETARY: Senator Espada,
15 excused.

16 Senator Farley.

17 (There was no response.)

18 Senator Galiber.

19 SENATOR GALIBER: No.

20 THE SECRETARY: Senator Gold.

21 SENATOR GOLD: No.

22 THE SECRETARY: Senator Gonzalez.

23 SENATOR GONZALEZ: No.

1 THE SECRETARY: Senator Goodman
2 recorded in the affirmative earlier today.
3 Senator Hannon.
4 SENATOR HANNON: Yes.
5 THE SECRETARY: Senator Hoblock.
6 SENATOR HOBLOCK: Yes.
7 THE SECRETARY: Senator Hoffmann
8 recorded in the negative earlier today.
9 Senator Holland. Senator
10 Holland.
11 SENATOR HOLLAND: Yes.
12 THE SECRETARY: Senator Johnson.
13 SENATOR JOHNSON: Aye.
14 THE SECRETARY: Senator Jones.
15 SENATOR JONES: No.
16 THE SECRETARY: Senator Kruger.
17 SENATOR KRUGER: No.
18 THE SECRETARY: Senator Kuhl.
19 SENATOR KUHL: Aye.
20 THE SECRETARY: Senator Lack.
21 SENATOR LACK: Aye.
22 THE SECRETARY: Senator Larkin.
23 SENATOR LARKIN: Aye.

1 THE SECRETARY: Senator LaValle.
2 SENATOR LAVALLE: Aye.
3 THE SECRETARY: Senator Leibell.
4 SENATOR LEIBELL: Aye.
5 THE SECRETARY: Senator Leichter.
6 SENATOR LEICHTER: No.
7 THE SECRETARY: Senator Levy.
8 SENATOR LEVY: Aye.
9 THE SECRETARY: Senator Libous.
10 (There was no response.)
11 Senator Maltese.
12 (There was no response.)
13 Senator Marcellino.
14 SENATOR MARCELLINO: Aye.
15 THE SECRETARY: Senator Marchi.
16 (There was no response.)
17 Senator Markowitz.
18 SENATOR MARKOWITZ: No.
19 THE SECRETARY: Senator Maziarz.
20 SENATOR MAZIARZ: Yes. If that
21 was Maziarz, yes.
22 THE SECRETARY: Senator Maziarz.
23 SENATOR MAZIARZ: Yes.

1 THE SECRETARY: Senator Mendez.
2 (There was no response.)
3 Senator Montgomery.
4 (There was no response.)
5 Senator Nanula.
6 SENATOR NANULA: No.
7 THE SECRETARY: Senator Nozzolio.
8 (There was no response.)
9 Senator Onorato.
10 SENATOR ONORATO: No.
11 THE SECRETARY: Senator
12 Oppenheimer, excused.
13 Senator Padavan.
14 SENATOR PADAVAN: Yes.
15 THE SECRETARY: Senator Paterson.
16 SENATOR PATERSON: No.
17 THE SECRETARY: Senator Present.
18 SENATOR PRESENT: Aye.
19 THE SECRETARY: Senator Rath.
20 SENATOR RATH: Aye.
21 THE SECRETARY: Senator Saland.
22 SENATOR SALAND: Aye.
23 THE SECRETARY: Senator Santiago.

1 (There was no response.)
2 Senator Sears.
3 SENATOR SEARS: Aye.
4 THE SECRETARY: Senator Seward.
5 (There was no response.)
6 Senator Skelos.
7 SENATOR SKELOS: I vote yes.
8 THE SECRETARY: Senator Smith.
9 SENATOR SMITH: No.
10 THE SECRETARY: Senator Solomon.
11 SENATOR SOLOMON: No.
12 THE SECRETARY: Senator Spano.
13 SENATOR SPANO: Aye.
14 THE SECRETARY: Senator
15 Stachowski.
16 SENATOR STACHOWSKI: Since the
17 desk keeps mispronouncing my Polish colleague's
18 name all the time, I vote no.
19 THE SECRETARY: Senator Stafford.
20 SENATOR STAFFORD: Aye.
21 THE SECRETARY: Senator Stavisky.
22 SENATOR STAVISKY: No.
23 THE SECRETARY: Senator Trunzo.

1 SENATOR TRUNZO: Aye.
2 THE SECRETARY: Senator Tully.
3 SENATOR TULLY: Aye.
4 THE SECRETARY: Senator Velella.
5 SENATOR VELELLA: Yes.
6 THE SECRETARY: Senator Volker.
7 (There was no response.)
8 Senator Waldon.
9 (Negative indication.)
10 Senator Wright.
11 SENATOR WRIGHT: Aye.
12 ACTING PRESIDENT KUHL: Call the
13 absentees.
14 THE SECRETARY: Senator Farley.
15 SENATOR FARLEY: Aye.
16 THE SECRETARY: Senator Libous.
17 SENATOR LIBOUS: Aye.
18 THE SECRETARY: Senator Maltese.
19 (There was no response.)
20 Senator Marchi.
21 SENATOR MARCHI: Aye.
22 THE SECRETARY: Senator Mendez.
23 (There was no response.)

1 Senator Montgomery.
2 (There was no response.)
3 Senator Nozzolio.
4 SENATOR NOZZOLIO: Aye.
5 THE SECRETARY: Senator Santiago.
6 (There was no response.)
7 Senator Seward.
8 SENATOR SEWARD: Aye.
9 THE SECRETARY: Senator Volker.
10 (There was no response.)
11 Senator Abate.
12 SENATOR ABATE: No.
13 THE SECRETARY: Senator Mendez.
14 (Negative indication.)
15 Senator Maltese.
16 SENATOR MALTESE: Aye.
17 THE SECRETARY: Senator Volker.
18 SENATOR VOLKER: Yes.
19 ACTING PRESIDENT KUHL: Announce
20 the results when tabulated.
21 THE SECRETARY: Ayes 36, nays
22 20.
23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 The Chair recognizes Senator
3 Skelos.

4 SENATOR SKELOS: Yes. Mr.
5 President, would you call up Calendar Number
6 351.

7 ACTING PRESIDENT KUHL: The
8 Secretary will read Calendar Number 351.

9 THE SECRETARY: Calendar Number
10 351, Budget Bill, 1553-A, an act to make an
11 appropriation for the support of government.

12 SENATOR SKELOS: Mr. President,
13 would you call the roll for the purposes of
14 Senator Gold voting?

15 ACTING PRESIDENT KUHL: There was
16 a -- previously a message of necessity which was
17 accepted.

18 The Secretary will call -- excuse
19 me. The Secretary will read the last section.

20 THE SECRETARY: Section 6. This
21 act shall take effect immediately.

22 ACTING PRESIDENT KUHL: Call the
23 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT KUHL: Senator
3 Gold, how do you vote?

4 SENATOR GOLD: At the request of
5 Senator Skelos, I'm going to vote and leave. I
6 vote no.

7 ACTING PRESIDENT KUHL: Senator
8 Gold in the negative. Senator -

9 SENATOR SKELOS: Would you
10 recognize Senator Padavan.

11 ACTING PRESIDENT KUHL: -
12 Padavan, how do you vote?

13 SENATOR PADAVAN: Yes.

14 ACTING PRESIDENT KUHL: Senator
15 Padavan in the affirmative.

16 SENATOR SKELOS: Senator Sears.

17 ACTING PRESIDENT KUHL: Senator
18 Sears, how do you vote?

19 SENATOR SEARS: Yes.

20 ACTING PRESIDENT KUHL: Senator
21 Sears in the affirmative.

22 SENATOR SKELOS: Senator Lack.

23 ACTING PRESIDENT KUHL: Senator

1 Lack, how do you vote?

2 SENATOR LACK: I vote in the
3 affirmative.

4 ACTING PRESIDENT KUHL: Senator
5 Lack in the affirmative.

6 SENATOR SKELOS: Senator Solomon.

7 ACTING PRESIDENT KUHL: Senator
8 Solomon, how do you vote?

9 SENATOR SOLOMON: No.

10 ACTING PRESIDENT KUHL: Senator
11 Solomon in the negative.

12 SENATOR SKELOS: Senator Kruger.

13 ACTING PRESIDENT KUHL: Senator
14 Kruger, how do you vote?

15 SENATOR KRUGER: No.

16 ACTING PRESIDENT KUHL: Senator
17 Kruger in the negative.

18 SENATOR SKELOS: Please close the
19 roll.

20 ACTING PRESIDENT KUHL: The
21 Secretary will withdraw the roll call. The bill
22 is now before the house for debate.

23 SENATOR PATERSON: Explanation.

1 ACTING PRESIDENT KUHL: Senator
2 Stafford, an explanation of Calendar Number 351
3 has been asked for by Senator Paterson.

4 SENATOR STAFFORD: I would ask,
5 Mr. President, that we could get all of our
6 people here, and after a most exciting,
7 stimulating and interesting debate, we're about
8 to have another exciting, interesting and
9 stimulating debate.

10 On the other hand, although we
11 try to keep our sense of humor, we do emphasize
12 that all of this legislation is most serious and
13 we're putting together our budget.

14 ACTING PRESIDENT KUHL: Excuse
15 me, Senator Stafford. It's very noisy. There's
16 a lot of movement in the chamber. If you would
17 excuse the interruption. Maybe we can quiet
18 things down so that this explanation can be at
19 least heard by the members, if not understood
20 also.

21 SENATOR STAFFORD: Thank you, Mr.
22 President.

23 ACTING PRESIDENT KUHL: Senator

1 Stafford.

2 SENATOR STAFFORD: As I
3 mentioned, we again today, with our legislation
4 that we just considered and with this
5 legislation which we here in the Legislature
6 know as aid to localities, are continuing to
7 carry out and fulfill our responsibility and
8 we're putting together a balanced budget.

9 The Governor's -- the Governor's
10 state fiscal year 1995-1996 aid to localities
11 budget bill recommends a total appropriation of
12 \$62.6 billion. That's an increase of 1.5
13 billion or 2.5 percent over the current fiscal
14 year. Actual spending behind these
15 appropriations is expected at 42.5 million -
16 billion, excuse me, a decline -- a decline of
17 220 million over state fiscal year 1994-95.

18 Now, as we all know, the aid to
19 localities budget authorizes payments for
20 education and social welfare programs, as well
21 as payments for revenue sharing and public
22 health programs.

23 The Governor's projected decline

1 in spending is primarily a result of cost
2 containment measures in Medicaid and in income
3 maintenance while other programs, such as
4 revenue sharing and public health programs are
5 funded at state fiscal year 1994-95 levels.

6 Amendments to the proposed budget
7 as contained in this bill provide 177.8 million
8 in additional spending reductions and
9 re-estimates and 398.2 million in program
10 restorations for a net increase of 220.4
11 million.

12 Now, highlights of our amendments
13 are as follows: Restoration of funding for the
14 long-term home care -- long -- excuse me. A
15 restoration of funding for the long-term home
16 health care program, the assisted living
17 program, adult dental care and private duty
18 nurses. Also, a restoration of 119 million of
19 proposed hospital reductions, including NYPHRM
20 enhancements and partial restoration of the
21 trend factor in direct Medicaid, education and
22 major movable equipment; also, a restoration of
23 55 million for nursing homes, including the

1 rejection of the proposed projections in nursing
2 home profits and the return of invested equity.

3 Moving on, also increased funding
4 for TAP and opportunity programs which would
5 include the restorations, and the state
6 operations bill provides a total restoration of
7 115 million for higher education.

8 An additional 90.7 million is
9 provided for general support for public schools,
10 including additional aid for public growth,
11 unfreezing BOCES and excess cost aids for
12 handicapped children and a loosening of the caps
13 on building and transportation aid, items we
14 have all heard and received much correspondence
15 and communication on.

16 Also, the funding for aid to law
17 enforcement in the amount of 8.7 million. This
18 is provided along with a restoration of
19 demonstration projects in the Department of
20 Criminal Justice.

21 A restoration of five million for
22 non-profit cultural organizations.

23 Now, once again, Mr. President, I

1 know as a member of this body, this does not
2 have everything we all would like, but we can
3 see that it's -- that it is much different than
4 what we started with.

5 Again, we have to realize that,
6 for the past five, ten years, we've seen
7 spending increase above what we could afford,
8 and we had budgets that we could not afford. I
9 would suggest that this is solid budget as all
10 our bills have been and will be and, I think,
11 this is one that we can support within the
12 framework of our spending and financial plan.

13 ACTING PRESIDENT KUHL: The Chair
14 recognizes Senator Galiber.

15 SENATOR GALIBER: Just a brief
16 response, and it will be brief.

17 Senator, this is not a sandbag
18 question because we -- I asked the same question
19 in our Finance Committee meeting. I would have
20 hoped that there would be more people here than
21 we had for the Finance Committee, but it doesn't
22 seem that we have as many here, but in this
23 containment concept that you have in

1 restorations, there are those of us who are glad
2 to see restorations releasing something back.

3 My problem is that, in a number
4 of areas, you've put lump sum monies in. For
5 example, in funding for TAP, there was some
6 question about whether it would apply only to
7 graduate schools, and it's a mere cut of 6.8
8 million as opposed to a total budget of 603.
9 million. The other one is the EOP program
10 where, again, money has been put in bundles and
11 not told by us where they would be going and
12 where they would be helpful probably in a number
13 of other areas. I give you that only as an
14 example because I'm sure that this lumping
15 process carries out throughout that containment
16 and I just wanted you to comment and so that
17 we're happy to see some restorations, certainly
18 not the ones we would like to ultimately see,
19 but I would like to know what we could do about
20 this lumping process and what the impact may
21 very well be?

22 While I'm on the subject matter
23 -- I said I would be brief -- there's one thing

1 that troubles me that -- in the death penalty,
2 there was some talk about some peppercorns,
3 meager money, if you will, being given to
4 prosecutions and being given to defenders.

5 It's interesting that we have
6 eliminated completely the Defenders Association
7 in the sum of 685,000 with seems inconsistent,
8 very frankly, with the monies that we're
9 appropriating to the various prosecutions, so
10 it's a lopsided -

11 SENATOR STAFFORD: I apologize,
12 Senator.

13 SENATOR GALIBER: I just stopped
14 for a moment and I will finish.

15 SENATOR STAFFORD: Go ahead.

16 SENATOR GALIBER: It's a lopsided
17 -- we're talking about the Defenders
18 Association where they eliminated completely,
19 seems to be inconsistent with the death penalty
20 that was passed in the spirit of proper
21 representation whether you're a prosecutor who
22 does his job or whether you wind up being a
23 defendant. We felt that there should be some

1 money, and I hear you've eliminated all of it.

2 SENATOR STAFFORD: I have -- will
3 first address TAP and EOP. This -- I want to
4 make sure this is the last time I say this, but
5 I always tell people that if there's anybody
6 that understands the value of these programs, I
7 do.

8 In 1962, I think you can look
9 back, that was the first year that they gave
10 scholar incentive awards. You just filled out
11 an application and proved that you were in
12 school. I got \$100. I didn't have \$100, and I
13 got it, and I remember it meant something. It
14 means something to all of these people who have
15 had the good fortune for these programs and the
16 people now.

17 The lump sum will be something
18 we'll be working with. Your point is very well
19 taken, Senator, as all your points always are.
20 In the past few years, we have always put in the
21 lump sum and then there's negotiation by
22 legislation how it -- how it is apportioned.

23 EOP is the same thing and, again,

1 I don't think there's any programs that we get
2 contacted more on than TAP and HEOP, and I often
3 tell people also -- and I say this rather
4 lightly, but I'm one who always does -- tries to
5 make sure we do our best on TAP because I
6 sponsored the legislation, and the only reason I
7 sponsored the legislation is I happened to be
8 there and I was chairman of the Higher Education
9 Committee but, on the other hand, it was a real
10 -- a real year -- exactly -- when we did this.

11 The defenders, I again can talk
12 with, I hope, some sensitivity concerning this
13 problem, because as I -- I had the Codes
14 Committee for a number of years and there are
15 some of us who work for the people -- people who
16 are with the Defenders Association, and we have
17 in past years supported them. I will say this,
18 that there were some things that ended up a
19 higher priority. I do feel that this is
20 something we're going to have to continually
21 look at.

22 The Capital Defender's office, I
23 think, is very important and that has been

1 funded. That's at \$750,000, and it's there, and
2 hopefully, it will be an office we won't have to
3 use, but following past history, we'll just have
4 to see.

5 What else did Joe ask about?

6 ACTING PRESIDENT KUHL: The Chair
7 recognizes Senator Leichter.

8 SENATOR LEICHTER: With the
9 consent of the Acting Majority Leader, could you
10 read the last section, please?

11 SENATOR SKELOS: No objection.

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

14 SENATOR PATERSON: Mr. President.

15 THE SECRETARY: Section 6. This
16 act shall take effect immediately.

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT KUHL: Senator
21 Leichter, how do you vote?

22 SENATOR LEICHTER: In the
23 negative, please.

1 ACTING PRESIDENT KUHL: Senator
2 Leichter will be recorded in the negative. The
3 roll call is withdrawn. The bill is still
4 before the house for debate.

5 The Chair recognizes Senator
6 Paterson.

7 Senator Paterson, are you
8 yielding to Senator Stavisky?

9 SENATOR PATERSON: Yes, Mr.
10 President.

11 ACTING PRESIDENT KUHL: Senator
12 Stavisky.

13 SENATOR STAVISKY: Mr. President,
14 I offer up the following amendment to the
15 present bill, waive the reading and ask for an
16 opportunity to explain.

17 ACTING PRESIDENT KUHL: Senator
18 Stavisky, do you have the number on the bill,
19 the legislative draft number? The reason I ask
20 is we have several amendments before the desk
21 here. The Secretary will try to identify the
22 one you wish to speak to.

23 SENATOR STAVISKY: The amendment

1 to -- it's 80108015.

2 ACTING PRESIDENT KUHL: The bill
3 is -- the amendment is at the desk, Senator
4 Stavisky. We'll waive the reading of it, and
5 you are afforded the opportunity to explain the
6 amendment at this time.

7 SENATOR STAVISKY: Mr. President.

8 ACTING PRESIDENT KUHL: Senator
9 Stavisky.

10 SENATOR STAVISKY: I am delighted
11 that there has been some progress which
12 indicates a recognition by members of the Senate
13 that the Governor's bill -- the Governor's
14 budget proposal was deficient and that it would
15 not relate to the needs of your constituents and
16 our constituents on both sides of the aisle.
17 Believing in the perfectibility of legislation,
18 you've acted in what I consider to be a
19 constructive manner.

20 What I'm suggesting here is that
21 there are other changes and improvements that
22 could be made, and yesterday I spoke about the
23 need to try to assist public higher educational

1 institutions, SUNY and CUNY. Today I'd like to
2 offer this amendment which does, among other
3 things, provide for the additional refunding of
4 assistance to students regardless of whether
5 they attend independent colleges or public
6 institutions.

7 With regard to TAP which goes to
8 students as a tuition aid program in all parts
9 of the higher education sector, this proposed
10 amendment adds \$100 million to TAP for the
11 purpose of restoring it to the 1994-1995 levels,
12 and it is essential that we be fair across the
13 board. At the independent colleges and
14 universities, as well as the public
15 institutions, all receive assistance from the
16 state because, in effect, the students will be
17 serving society in general and will not be
18 compartmentalized as to whether they've attended
19 private or independent colleges as distinguished
20 from public institutions of higher learning.

21 It also does one other thing.
22 One of the missing links is the need to provide
23 adequate funding for part-time TAP students. In

1 many colleges, students today have to work at
2 one or two jobs, whatever they can get, in order
3 to pay for their education. At some colleges,
4 40 percent of the students are already working
5 to enable them to attend college, and the TAP
6 assistance is something that may make the
7 difference between having them go to college or
8 having them drop out, and these part-time
9 students should not be treated casually or
10 ignored in the restoration program.

11 Secondly, there is a provision
12 for programs for those who are in need of
13 special aid because they come from disadvantaged
14 backgrounds. The HEOP program is increased by
15 11 million. The STEP program and the CSTEP
16 programs are increased by ten million and aid
17 for part-time study also is restored to the
18 1994-1995 levels.

19 The cost of education is not
20 going down. The cost of education is, unfortun-
21 ately, going up and it's a wise investment for
22 them -- for us. It's a wise investment for the
23 state of New York, and it is something which

1 will inure to the reputation of this Legislat
2 ure; and so these amendments are aimed at
3 restoring essentially to 1994-1995 levels in the
4 areas that I've outlined, and, accordingly, I
5 hope that this house will accept these
6 amendments and will improve the higher education
7 budget still further.

8 Thank you, Mr. President.

9 ACTING PRESIDENT KUHL: The
10 question is on the amendment.

11 SENATOR MARKOWITZ: Mr.
12 President.

13 SENATOR PATERSON: Party vote.

14 ACTING PRESIDENT KUHL: Senator
15 Markowitz.

16 SENATOR MARKOWITZ: I just wanted
17 to add to what Senator Stavisky has said.

18 ACTING PRESIDENT KUHL: Senator
19 Markowitz on the amendment.

20 SENATOR MARKOWITZ: As someone
21 who attended college in the evening for nine
22 years, I know how important a higher education
23 is on a part-time basis.

1 And today because of economic
2 realities facing most New Yorkers, if not all
3 New Yorkers, certainly the need for higher
4 education on a part-time basis, working during
5 the day in order to allow that family to have
6 some money coming in to the household,
7 especially how difficult it is today to pay
8 bills, mortgages and rents and, at the same
9 time, pursue a higher education, I know,
10 Leonard, that our Republican colleagues will,
11 every one of them, jump on these amendments. I
12 know that unanimously, they're going to respond
13 in a positive way to restore all of these funds
14 so that tomorrow can be as bright for students
15 -- today and tomorrow, as it was for many of us
16 yesterday.

17 So I commend you, and I urge all
18 of us to approve these amendments.

19 ACTING PRESIDENT KUHL: Senator
20 LaValle on the amendment.

21 SENATOR LAVALLE: Mr. President,
22 yesterday in explaining my vote on the State
23 Purposes Budget, I talked about the creativity

1 that members of this house, the Majority and
2 staff, put into improving the higher education
3 part of the budget dealing with the State
4 University and the City University.

5 As everyone knows, the Governor
6 was given just a short period of time to develop
7 the budget. Following that process, the leaders
8 agreed upon additional monies, and so, as
9 Senator Bruno has said ad nauseum on this floor,
10 that we are dealing within the context of 499
11 million in additional revenues.

12 As part of that, we have
13 dedicated 115 million for higher education. We
14 talked about a restoration of lump sum amounts
15 to both the State University and the City
16 University and, I think, at an another juncture,
17 we will look at language that will show
18 creativity in reducing and ameliorating, as I
19 had said yesterday, the amount of tuition that
20 has been discussed as almost scare tactics by
21 State University trustees.

22 We have been focused on two basic
23 principles: Number one, to maintain quality of

1 education in our public education programs and
2 also to make sure that there is access and,
3 today, we are talking about the second element,
4 the access element through our tuition
5 assistance program and our opportunity programs,
6 and so a lump sum amount of 51.8 million has
7 been restored so that we can ensure that
8 additions are added to the student financial aid
9 pieces, and again, trying to be very, very
10 creative to ensure that the access is -- is
11 added to this.

12 We in this state are much
13 different than so many other states in that we
14 have a pluralistic system of higher education.
15 We have an independent sector that educates a
16 very strong number, percentage of students who
17 seek higher education here. TAP and HEOP are
18 very important linchpins in the way we provide
19 access, and so the other opportunity programs -
20 I see Senator Galiber who many, many years ago,
21 Senator, if I'm not mistaken, you were the
22 sponsor of the SEEK and Discovery programs, and
23 Senator Stafford talked about 1974 being the

1 sponsor of the TAP program.

2 So we have a stake here in this
3 body of members who participated in the
4 development of these programs, and whenever
5 additional monies come on the table, I can
6 assure you that we will use them to ensure
7 quality, maintain -- that we maintain quality in
8 our programs, that we maintain access to our
9 programs and that we ensure that both sectors,
10 both the independent sector and the public
11 sector, remain wealth, healthy and vibrant in
12 providing opportunities to all of our citizens.

13 SENATOR STAVISKY: Mr. President.

14 ACTING PRESIDENT KUHL: Senator
15 Stavisky on the amendment.

16 SENATOR STAVISKY: Will Senator
17 LaValle yield for a question?

18 ACTING PRESIDENT KUHL: Senator
19 LaValle.

20 SENATOR LAVALLE: Yes.

21 SENATOR STAVISKY: Senator
22 LaValle, this is not a hypothetical situation,
23 it's a real situation. The time is September

1 1995. The place is any college or university in
2 the state of New York. A student arrives, is
3 given a bill for tuition, and the student is
4 told, "This is what you have to pay in order to
5 take these courses". How will the ingenuity and
6 the creativity go to work when the student still
7 doesn't have the money because of the failure to
8 provide at least the funding that we offered in
9 1994-1995? What will that student be told by
10 the bursar who is the money collector at that
11 college or university when that student doesn't
12 have the money and the funding that we provided
13 last year is not even available?

14 SENATOR LAVALLE: Senator, I
15 think you know yesterday and, of course, the
16 clock ran out in the debate that we had and the
17 amendments that you offered, but I think through
18 many of the remarks that you made yesterday, you
19 were talking about a scenario that did not
20 recognize that we have added monies to the
21 budget, where there's an agreement between the
22 Senate and the Governor, and that the tuition
23 amount is not the same amount that has been

1 talked about and used by many, many people,
2 amounts that -- 1600, 1300 and 1,000, and I
3 think you will see when September of 1995 comes,
4 that those tuition amounts will not be at that
5 level, number one, and number two, for those
6 students who need the help to maintain access or
7 for those new students who will be entering,
8 that there will be a safety net of student
9 financial aid programs to deal with their
10 circumstances and that access will continue to
11 remain open, and I think that's what the -- the
12 hard work of a lot of people that I talked about
13 has been all about in trying to maintain access,
14 to have quality of programs and to have the
15 financial aid programs to maintain the access.

16 SENATOR STAVISKY: Are you
17 willing to tell -- if I may continue, Mr.
18 President.

19 Are you willing to assure the
20 students that the bursar at that college will
21 say, "Don't worry, we'll find a way for you to
22 be admitted? We'll find a way to make up the
23 cutbacks in part-time TAP programs. We'll find

1 a way to carry you through in your studies and
2 enable you to enroll?" Are you sure you can
3 speak for every bursar at every college and
4 university in the state of New York when that
5 student doesn't have the money on hand to be
6 able to be admitted in September 1995 or should
7 they come to see you?

8 SENATOR LAVALLE: Senator, what I
9 have indicated twice and you just drift off
10 into -

11 SENATOR STAVISKY: I'm asking you
12 a question that I would like answered.

13 SENATOR LAVALLE: -- into a
14 situation, what we are saying is that we are
15 going within the resources that we have, because
16 members of both houses want to maintain access,
17 and so there will be a TAP program and that we
18 will use as much of the resources that we have
19 to improve that TAP program so that the neediest
20 students will have access, that we will use
21 resources for opportunity programs.

22 You know, Senator, in -
23 yesterday and today you have added to the budget

1 and I haven't heard -- I've heard your side talk
2 about it -- where are the revenues? You've
3 offered up 500 million in additional spending.

4 Now, what we have done in the
5 higher education amount is we have identified
6 115 million in real money, and we have used that
7 in a way to restore money to the lump sum cuts
8 that were made initially in the budget and other
9 money to restore to the access -- to the
10 opportunity programs and to the tuition
11 assistance program, and as other monies become
12 available, we will continue to improve the
13 programs that -- that we have, but based on
14 \$115 million, I think we are doing a good job
15 because we are asking the universities for the
16 first time to eliminate a lot of duplication in
17 the programs that they have, a lot of high
18 administrative salaries and individuals earning
19 a lot of money, and we're saying to them, "Put
20 that money into the classrooms. Put that money
21 to educate students. Put that money into
22 programs that will provide access."

23 And so we're finding that we are

1 able to do more with fewer dollars, but as more
2 dollars become available, Senator, I think you
3 will see that we will even improve the programs
4 and the situation even more.

5 ACTING PRESIDENT KUHL: Senator
6 Stavisky.

7 SENATOR STAVISKY: Mr. President,
8 will the Senator continue to yield?

9 ACTING PRESIDENT KUHL: Senator
10 LaValle, do you continue to yield?

11 SENATOR LAVALLE: Yes.

12 ACTING PRESIDENT KUHL: The
13 Senator yields.

14 SENATOR STAVISKY: Senator, I
15 appreciate your commitment to the field of
16 higher education, and you stated very clearly,
17 as additional funds become available, you would
18 be willing to try to earmark these for reduction
19 in the possible increase in tuition that will
20 affect students both in the public institutions
21 and at the independent colleges.

22 In order to make those funds
23 available, would you, Senator LaValle, and would

1 you ask your colleagues to forego the tax cuts
2 for the wealthiest families in this state? And
3 would you make it possible for the sons and
4 daughters of working class families, moderate
5 income families, people who are not multi
6 millionaires, to be able to have some of the
7 additional dollars that were to be given as tax
8 cuts for people earning in the \$200,000 range or
9 more? Would you be willing, Senator, to
10 redirect some of those limited resources for
11 education rather than for millionaires?

12 SENATOR LAVALLE: I believe very
13 strongly in what the Governor and the Majority
14 here have embarked on in pointing this state in
15 a new direction so that the sons and daughters
16 that you talk about and grandsons and grand
17 daughters will be able to have some stake here
18 in New York so that tax cuts should continue;
19 the reduction in spending should continue, and
20 that the new revenues, should they become
21 available, that the same synergy that we have
22 established in this budget in terms of
23 allocating money for tax cuts and restoration be

1 continued in the same way that, when additional
2 money was added to the budget, that we main...
3 we have done restorations and that we have
4 looked at additional areas to reduce taxes. I
5 think that's very important.

6 SENATOR STAVISKY: I assume your
7 answer is no to my question.

8 SENATOR LAVALLE: No. I think
9 that you -

10 SENATOR STAVISKY: You are not
11 prepared to forego the tax reduction for the
12 very wealthy families earmarked -

13 SENATOR LAVALLE: I don't know,
14 Senator, what "very wealthy" is because, at one
15 juncture, people on this side of the aisle
16 talked about \$100,000 being wealthy. Now we
17 have redefined in the year 1995 that a family
18 with \$100,000 is, indeed, middle income, and we
19 have middle income taxpayers from Montauk to
20 Niagara Falls.

21 So I think that people on your
22 side of the aisle, as well as our side of the
23 aisle, want to continue to maintain a certain

1 synergy of tax cuts and restorations that make
2 sense in moving this state in a positive
3 direction.

4 SENATOR STAVISKY: Thank you,
5 Senator LaValle.

6 On the amendment.

7 ACTING PRESIDENT KUHL: Senator
8 Stavisky on the amendment.

9 SENATOR STAVISKY: Mr. President,
10 I believe that we have the need to understand
11 how our resources are to be used in the most
12 positive manner.

13 A working class family, son or
14 daughter of a factory worker or a clerical
15 worker in your district may certainly have
16 greater need for additional help on tuition,
17 whether it's the TAP program or reduction in the
18 tuition increase at a public college than
19 someone whose income is in the vicinity of
20 \$200,000 a year, and I simply wanted to find out
21 if the advocates for increased funding for
22 education were prepared now to forego that tax
23 cut now since there appears to be limited

1 funding in order to avoid calamity in the higher
2 education community.

3 We have a new generation of
4 people who have the opportunity, the same desire
5 to improve themselves that all of us in this
6 chamber have.

7 We all sought educational
8 opportunities to enable us to realize our
9 careers. Do we turn off that faucet of
10 opportunity for a new generation saying that
11 they are not as entitled to succeed as we were?
12 At a time when there may be greater need, a
13 child who was -- whose family was not born in
14 the United States, whose native language may not
15 be English, a child from a disadvantaged
16 background, a broken home, a child having all of
17 the obstacles possible deserves that chance to
18 break out of the cycle of poverty, and those on
19 welfare who would like to go to work and get off
20 the doles, so to speak -- and I'm not referring
21 to Bob Dole -- certainly should be encouraged to
22 exercise that opportunity and not be caused to
23 remain permanently trapped in welfare rather

1 than WorkFare. These are the things that demand
2 a redirection of priorities.

3 Anybody without a college
4 education will understand that, in balancing a
5 household income, you do not spend money greater
6 than the money you have.

7 McCawber, in David Copperfield,
8 told David that, if you spend one pound less
9 than the amount of money that you have, you will
10 be a success, but if you spend more than you
11 have, you will be doomed to failure.

12 We don't want people turned away
13 at the gates. We don't want those gates
14 closed. We want the opportunity to be as broad
15 and as democratic as possible, and I say this
16 with small a "d", let them grow up to be
17 Republicans or Democrats which is their choice,
18 but let us not in this chamber deny anyone that
19 choice who wants to work hard in order to
20 succeed.

21 ACTING PRESIDENT KUHL: Senator
22 LaValle, I overlooked the fact that Senator
23 Galiber, when you had the floor, wanted to ask

1 you a question. Would you yield to Senator
2 Galiber for a question?

3 SENATOR LAVALLE: Yes.

4 SENATOR GALIBER: Senator, I've
5 had a piece of legislation in now for a good
6 six, seven, eight years perhaps, but in the
7 spirit of what we're dealing with, cost contain
8 ment, costs, et cetera, would it be the proper
9 time to revisit a sliding scale concept of
10 tuition both in SUNY and CUNY for those persons
11 who could afford obviously would pay more and
12 those who could not afford, I think would
13 accomplish a great deal; a time under these
14 conditions you will take another look at that
15 possibility?

16 SENATOR LAVALLE: Senator, we
17 have -- we have tried to look at the tuition
18 issue, tried to, and I said, tried to be
19 creative, and certainly a sliding scale or in
20 some ways establish a means test for the amount
21 of money that an individual pays could certainly
22 be explored. We're certainly looking at that.

23 Within the time constraints that

1 we have, and so forth, you also have to look at,
2 in establishing such a program, what will be the
3 impact on what number of students. We have to
4 create, as I have said so many times here,
5 tuition models to see whether it would foreclose
6 students from attending one sector or another.
7 Would it mean that they would go to a community
8 college first and then into other programs, but
9 certainly the answer to your question is, yes,
10 it is being looked at and it is being explored
11 as we speak.

12 SENATOR GALIBER: Thank you.

13 ACTING PRESIDENT KUHL: Senator
14 Paterson.

15 SENATOR PATERSON: Mr. President,
16 unfortunately Senators Markowitz and Galiber are
17 being called away. That's Markowitz and
18 Galiber. They're collaborating on a new automo
19 bile. They're called the MG, and so we wanted
20 to know if we could have their names called and
21 read the roll call at this time.

22 ACTING PRESIDENT KUHL: If
23 there's no objection from the Majority Leader,

1 I'll ask the Secretary to read the last section.

2 THE SECRETARY: Section 6. This
3 act shall take effect immediately.

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT KUHL: Senator
8 Galiber, how do you vote?

9 SENATOR GALIBER: Can I be
10 recorded in the negative?

11 ACTING PRESIDENT KUHL: Senator
12 Galiber will be recorded in the negative.

13 Senator Markowitz.

14 SENATOR MARKOWITZ: As you would
15 undoubtedly expect, in the negative.

16 ACTING PRESIDENT KUHL: Senator
17 Markowitz will be recorded in the negative.

18 The roll call is withdrawn.

19 Return to debate on Calendar Number 351.

20 The Chair recognizes Senator
21 Paterson.

22 SENATOR PATERSON: Mr. President,
23 I have an amendment at the desk. It's marked

1 Amendment Number 1. I'll waive its reading.

2 ACTING PRESIDENT KUHL: Senator
3 Paterson, we're still on an amendment, Senator
4 Stavisky's amendment.

5 SENATOR PATERSON: Oh, I'm sorry.

6 ACTING PRESIDENT KUHL: What we
7 should do is act on that at this point.

8 The question is on the
9 amendment. All those in favor signify by saying
10 aye.

11 SENATOR PATERSON: Party vote in
12 the affirmative.

13 ACTING PRESIDENT KUHL: The
14 Secretary will call the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT KUHL: Record
17 the party line vote and announce the results.

18 THE SECRETARY: Ayes 22, nays
19 36. Party vote.

20 ACTING PRESIDENT KUHL: The
21 amendment is lost.

22 Senator Paterson.

23 SENATOR PATERSON: As I was saying

1 before, I have an amendment at the desk; it's
2 marked Amendment Number 1.

3 ACTING PRESIDENT KUHL: Senator
4 Paterson, there is an amendment at the desk.
5 Are you asking to waive its reading and ask for
6 an opportunity to explain it?

7 SENATOR PATERSON: We'll waive its
8 reading, Mr. President, and I'll explain it. It
9 doesn't say very much more than the fact that we
10 would like to restore \$300 million to the
11 Medicaid budget for personal care, home care,
12 hospitals and nursing homes. We've been very
13 careful not to put any language in this
14 amendment and what we would like to discuss at
15 this time is the \$1.2 billion decrease that is
16 scheduled for this year's budget in Medicare
17 reimbursement. When coupled with other losses
18 from matching funds, it's probably over \$4
19 billion dollars that New York State residents
20 are going to lose in the area of Medicare.

21 There are some restorations in
22 the bill that is on hand, and I'm going to ask
23 Senator Stafford about some of those restora

1 tions in a moment, but for the time being, we
2 feel that \$1.2 billion is a tremendous amount of
3 money to be losing, and we're looking to restore
4 it by \$300 million.

5 ACTING PRESIDENT KUHL: The
6 question is on the amendment. All those in
7 favor signify by saying aye.

8 SENATOR PATERSON: Party vote in
9 the affirmative.

10 ACTING PRESIDENT KUHL: Secretary
11 will call the roll.

12 SENATOR SKELOS: Party vote in
13 the negative.

14 ACTING PRESIDENT KUHL: Record
15 the party line votes; announce the results.

16 THE SECRETARY: Ayes 32, nays 26,
17 party vote.

18 ACTING PRESIDENT KUHL: Amendment
19 is lost.

20 Senator Paterson.

21 SENATOR PATERSON: Mr. President,
22 will Senator Stafford yield to a question?

23 ACTING PRESIDENT KUHL: Senator

1 Stafford, will you yield for a question?

2 SENATOR STAFFORD: Yes.

3 ACTING PRESIDENT KUHL: The
4 Senator yields.

5 SENATOR PATERSON: Senator
6 Stafford, you enumerated about \$230 million in
7 restorations which I applaud, by the way, in
8 your opening explanation of the bill, but from
9 what I see, there are only about 96 million,
10 \$96.2 million that actually reflect restorations
11 to the Medicaid area, and my question to you is,
12 how do you come up with 230 million? You must
13 be knocking off something in order to reach that
14 number, and I want to know how you reached it.

15 SENATOR STAFFORD: I have
16 referred to it. I'm sure my very good friend,
17 Senator Paterson, won't mind another good friend
18 of mine, a little while ago we talked about the
19 budget which was sent to us by the executive and
20 there were some rather unflattering statements
21 made about it.

22 I would only say this. I don't
23 -- I think it's an excellent budget. I think

1 that it makes sense. Again, we're trying to
2 keep within what we can afford, and granted
3 we're finding -- hopefully finding some money in
4 various ways. There will be revisions. There
5 will be changes and, of course, that's what
6 we're doing.

7 To answer as always, an excellent
8 question from Senator Paterson, I will explain
9 it this way. If you understand it -- well, let
10 me just explain it.

11 It's -- we have 230 million that
12 we -- restorations, and it ends up when we find
13 additional money that really the net that we are
14 spending of a -- as far as increased spending,
15 is 90 million.

16 SENATOR PATERSON: Will the
17 Senator yield for a question?

18 SENATOR STAFFORD: Yes.

19 ACTING PRESIDENT KUHL: Senator
20 Stafford continues to yield.

21 SENATOR PATERSON: I'm assuming
22 which is dangerous, and you've advised us very
23 well about confusion in the budget, Senator

1 Stafford, but are we -- is there a reduction in
2 the base that brings us to this? In other
3 words, I understand what you're saying.

4 SENATOR STAFFORD: Yes, there is,
5 Senator.

6 SENATOR PATERSON: O.K. For
7 personal care, there are -- there's a cutback of
8 \$275 million in the current plan.

9 SENATOR STAFFORD: 272.

10 SENATOR PATERSON: 272, I'm
11 sorry. Are we cutting more for personal care in
12 our plan?

13 SENATOR STAFFORD: No. We're
14 really -- we're in effect reorganizing the
15 personal care program which will have additional
16 savings, same savings, we'll keep the savings.

17 SENATOR PATERSON: Just one
18 second, Senator.

19 SENATOR STAFFORD: Take your
20 time.

21 SENATOR PATERSON: If Senator
22 Stafford would yield for a question.

23 ACTING PRESIDENT KUHL: Senator

1 Stafford, will you continue to yield?

2 SENATOR STAFFORD: Yes, Mr.

3 President, but I want to make it very clear as I
4 was just advised, and rightfully so, and provide
5 the necessary services when we have this
6 funding.

7 ACTING PRESIDENT KUHL: Senator
8 continues to yield as long as that's perfectly
9 clear, Senator Paterson.

10 SENATOR PATERSON: Thank you.
11 How much are we spending for personal care in -
12 in this year in the bill that we're passing now?

13 SENATOR STAFFORD: Approximately,
14 Senator, \$750 million.

15 SENATOR PATERSON: And we are
16 reducing that to -- with an appropriation -
17 we're reducing that 750 million?

18 SENATOR STAFFORD: Let me put it
19 this way.

20 SENATOR PATERSON: O.K.

21 SENATOR STAFFORD: Very
22 understandable that it's confusing because i've
23 been looking at it for two days, and you notice

1 it's not just coming out of my fingertips.

2 SENATOR PATERSON: Let me explain
3 to you how I got it and then you can explain to
4 me where I went wrong. I just subtracted the
5 418 million from 750 million and I got 332
6 million, and so I was comparing that with the
7 272 million, and I saw an additional cut,
8 additional cut of 60 million.

9 SENATOR STAFFORD: Spending in
10 the "nursing home without walls" program that is
11 not in -- not in that 400 million.

12 SENATOR PATERSON: Oh, I see; so
13 that increases the number.

14 SENATOR STAFFORD: Right.
15 Right.

16 SENATOR PATERSON: O.K. That -
17 Mr. President, I don't mind being the puppet; I
18 just don't want them to let the strings show.

19 SENATOR STAFFORD: Well, that's
20 his point.

21 SENATOR PATERSON: Well, if
22 that's a \$30 million program, that leaves us
23 with \$30 million, Senator, and if you could

1 explain where the other \$30 million is, that's
2 my last question.

3 SENATOR STAFFORD: There's not a
4 30 under -- it's not a \$30 million program, it's
5 only the savings and the program is more like a
6 200 million program.

7 SENATOR PATERSON: Right. 30
8 million in savings, so I'm just trying to get
9 the other 30, and then I'm out of here.

10 SENATOR STAFFORD: Well, let me
11 see if this -- is this, Senator Paterson -- is
12 this your question? There's -- you can see the
13 30 million savings, but you want to know how we
14 get that saving?

15 SENATOR PATERSON: No, I want to
16 know how we distinguish between the current
17 budget and the one that -- that we're
18 submitting, the bill that we have today, how we
19 equalize those numbers which, as far as I know,
20 are \$30 million apart, but I'll tell you if it's
21 confusing, I'll waive that question. I'll just
22 ask one final question.

23 SENATOR STAFFORD: Sure.

1 SENATOR PATERSON: Right now we
2 have trimmed the home care hours to 100 per
3 month which should be three hours and ten
4 minutes a day. We've had as much as an average
5 of 144 hours in New York City, and the state
6 average, I think, is actually 26 hours or the
7 state average is 32 hours, and the -- in New
8 York City, the average is 36 hours a month.
9 We're trimming it to 25.

10 If this was the final budget,
11 would we have to trim those hours any more per
12 week, Senator, per week?

13 SENATOR STAFFORD: I got it. I
14 got it.

15 SENATOR PATERSON: 20 hours per
16 week, 100 hours per month.

17 SENATOR STAFFORD: Right. He
18 understands that. Yes, Senator, but it isn't -
19 of course, it isn't the final, but also I think
20 what you're inferring, you're correct, there
21 would have would have to be some increased
22 reduction in hours in some -- some areas.

23 SENATOR PATERSON: All right.

1 Thank you very much, Senator.

2 SENATOR STAFFORD: Just to go to
3 your other question, I want to get to you in
4 writing, so would you just go over that, and
5 we'll get it for you.

6 SENATOR PATERSON: Should I, yes,
7 the other question?

8 SENATOR STAFFORD: Yes, the 30
9 million.

10 SENATOR PATERSON: I took the
11 \$418 million.

12 SENATOR STAFFORD: Right.

13 SENATOR PATERSON: For home care
14 and subtracted it from the 750 million.

15 SENATOR STAFFORD: Right.

16 SENATOR PATERSON: And I got 332
17 million. I knew that the Governor was cutting
18 by 272 million, and so I subtracted the 272 from
19 330, and I got 60 million. 30 million of it as
20 it is explained comes from savings in the -- in
21 the long-term home care program. I guess that
22 Senator Lombardi years ago worked on that, and
23 there's an additional 30 million that I can't

1 figure out how we are saving that enables us to
2 spend over the amount that the Governor is
3 spending. I was just looking for that.

4 SENATOR STAFFORD: My adviser
5 even admits that this is confusing, so we're
6 going to get that in writing for you and explain
7 where that -- that 30 million is and where it
8 comes from.

9 SENATOR PATERSON: Thank you.
10 That is most gracious of Senator Stafford.
11 Thank you very much, Mr. President.

12 We have another amendment on the
13 bill, and if you would recognize Senator
14 Dollinger.

15 ACTING PRESIDENT KUHL: The Chair
16 recognizes Senator -

17 SENATOR PATERSON: No, we voted
18 on this amendment, didn't we?

19 ACTING PRESIDENT KUHL: Yes.

20 SENATOR PATERSON: Yes, we did.

21 ACTING PRESIDENT KUHL: Yes, we
22 have two amendments that have been presented and
23 lost.

1 SENATOR PATERSON: Now if the
2 Chair would recognize Senator Dollinger.

3 ACTING PRESIDENT KUHL: Chair
4 recognizes Senator Dollinger.

5 SENATOR DOLLINGER: Thank you,
6 Mr. President.

7 I believe you have an amendment,
8 it's labeled as Number 2 although I understand
9 it's Num... it's actually Number 3. But it's
10 labeled as Number 2, and I would call that
11 amendment up. I would waive the reading of the
12 amendment ask for an opportunity to explain it.

13 ACTING PRESIDENT KUHL: Amendment
14 is before the chamber. The reading of it is
15 waived. Chair recognizes Senator Dollinger to
16 explain the amendment.

17 SENATOR DOLLINGER: Mr.
18 President, this amendment is very simple. I
19 think it's easily understood by all the members
20 of the house.

21 What this would do is restore the
22 present law, the amount of school funds in the
23 general support of public schools in this

1 state. I think it's essential that we do this
2 because this will avoid what the Governor of
3 this state, what this Legislature have promised
4 the people in our districts that we wouldn't
5 take money out of the broad-based tax for public
6 education and require our school districts to
7 raise their property taxes to cover the lost
8 revenue.

9 We have had for the last two
10 decades, supported by the Majority in this house
11 and by the Minority in this house, a contract, a
12 social contract for want of a better term
13 between our school districts, our local
14 communities and this body, and what that
15 contract has said is that we're going to divide
16 the cost of public education between revenues
17 that come from property taxes and revenues that
18 come from broad-based taxes around the state,
19 the personal income tax and our business taxes
20 and our sales taxes, and what we have maintained
21 for the last several decades is a sense that New
22 York State has an obligation to the children of
23 this state to provide them with a reasonable

1 educational opportunity and that we would take
2 part of the pressure off property taxes to do
3 that.

4 In this budget, what I would seek
5 to do through this amendment is take \$254
6 million of broad-based taxes and take that money
7 and apply it, give it to the school districts,
8 include growth aid, so that we could be in a
9 situation where those school districts do not
10 face drastic property increases.

11 I would point out that one of the
12 communities I represent in the town of Greece
13 has already announced its budget for 1995-96.
14 They're talking about a \$6 million shortfall in
15 expenditures and -- excuse me, in revenues. And
16 how much of that would be attributable to the
17 loss in aid from the state of New York? Well,
18 their amount would drop by \$3 million that I
19 believe will cost them approximately \$8 per
20 thousand on a tax rate in the town of Greece
21 because they're a growing district. They need
22 the assistance of growth aid from the
23 broad-based taxes that we have at our disposal.

1 The same thing is true in the
2 city of Rochester, which I also represent. The
3 city of Rochester, a growing urban school
4 district, would find that their revenues would
5 actually grow over the prior year by about \$7
6 million that they need to cover the cost of
7 additional students in a school district with
8 great needs.

9 We have had for the last several
10 decades a social contract with these school
11 districts and the children that we serve that we
12 would use our broad-based taxes to soften the
13 effect of rising costs and rising expenditures.
14 It seems to me in this amendment you have the
15 opportunity to continue that social contract and
16 to avoid the one thing that the Governor has
17 said we're going to avoid, that we have said we
18 should avoid, which is rising property taxes
19 that simply dumps costs that we have paid for on
20 the local property taxes and require that those
21 property taxes increase.

22 I spoke earlier this week about
23 the start of the avalanche of costs. The

1 avalanche will continue. We will continue to
2 dump costs onto local property taxes unless -
3 unless we continue the decade-long social
4 contracts between this body and the children of
5 this state, to continue to pay for these
6 expenditures with broad-based taxes.

7 I would ask you to strongly
8 support this amendment, \$250 million dollars.
9 It will save property taxes throughout this
10 state.

11 ACTING PRESIDENT KUHL: The
12 question is on the amendment.

13 SENATOR ONORATO: Party vote in
14 the affirmative.

15 ACTING PRESIDENT KUHL: Senator
16 Cook, why do you rise?

17 SENATOR COOK: Mr. President, I'd
18 like to indicate in case Senator Dollinger is
19 not aware of it, that we are restoring growth
20 aid to the school districts; that, in fact,
21 Monroe County will be getting in the
22 neighborhood of \$1.6 million of growth aid as a
23 result of the Senate budget.

1 But I think that, again, to echo
2 some things that other people have said, kind of
3 an interesting process going on around here
4 because a few weeks ago somebody agreed that we
5 had about \$335 million in additional revenue and
6 we have found another \$165 million in cuts which
7 we have now agreed that we have about \$500
8 million worth of restorations that we've been
9 able to make.

10 We know that we have to have a
11 balanced budget. We in this house have
12 developed a balanced budget. There are people
13 in this Capitol who stood out on the front steps
14 and have told every single group that comes to
15 Albany, Yes, we'll restore every bit of money
16 that you want. I don't know what the grand
17 total of these promises are that they've been
18 making, that Senator Dollinger has made to
19 whoever, to whomever he may have made those
20 promises, but already this afternoon, I think
21 the amount is up to something like \$800 million,
22 which they've promised which already is \$300
23 million more than the monies that we have

1 available.

2 Now, it's all well and good to be
3 in the Minority and perhaps that's why you've
4 been in the Minority so long, because you can't
5 add, but it's all well and good to be in the
6 Minority and to be able to spend the same money
7 several times over, but the fact is that when
8 you put together a budget, you can't make it
9 work that way.

10 I would dearly love to see an
11 additional \$600 million in this budget for aid
12 to education, but it simply is not doable in
13 this year, and it simply cannot be done in the
14 context of this budget, and wishing doesn't make
15 it so and, much though I may wish, it just can't
16 happen.

17 Senator, we have to balance this
18 budget, and I would like to accept your
19 amendment but we simply don't have the dollars.

20 ACTING PRESIDENT KUHL: Senator
21 Dollinger.

22 SENATOR DOLLINGER: Mr.
23 President. You actually do have the dollars,

1 Senator Cook, and you know it as well as I do.
2 There is a way to do this. It's the way you've
3 done it the last two years that I've been in
4 this house. You've postponed the last phase of
5 the personal income tax to allow the state to
6 make an adjustment. We've done that twice
7 before. We've done it for six years. Why?
8 Because we decided it was more important to save
9 property taxes to our local communities than to
10 feed that yawning maw which supposedly exists
11 out there so we can create tax credits for
12 wealthy people who may even have the choice to
13 send their children to school but not to public
14 school.

15 I'll be glad to, Senator.

16 SENATOR SKELOS: Senator
17 Dollinger yield?

18 SENATOR DOLLINGER: I'll be glad
19 to.

20 SENATOR SKELOS: Senator
21 Dollinger, last year did you vote against post
22 poning or for postponing the tax cut?

23 SENATOR DOLLINGER: I voted no

1 both times.

2 SENATOR SKELOS: You were opposed
3 to postponing the tax cut last year, but now
4 you're for postponing the tax cut.

5 SENATOR DOLLINGER: No, my
6 position on the budget last year I wasn't going
7 to support the budget, I thought it had things
8 wrong with it then; I voted against the budget
9 for that reason.

10 SENATOR SKELOS: You voted
11 against postponing the tax cut in prior years
12 but this year you want this Majority to postpone
13 the tax cut.

14 SENATOR DOLLINGER: Mr.
15 President, I voted against the budget, and I
16 know my reasons for voting against the budget
17 were multitudinous and if Senator Skelos wants
18 to interpret that way, he can. I think I'll
19 probably see that in my next television
20 commercial put out against me.

21 The point I'm making to Senator
22 Cook is that what we're doing here is we're
23 taking broad-based taxes and we're going to

1 transfer costs to property taxes. I appreciate
2 Senator Cook's comment about, let's get real.
3 Let's do something real. Let's -- I would love
4 to get real, Senator, except the problem is we
5 have all these weeks in writing a work which
6 will qualify for the Pulitzer Prize for fiction
7 because you know this budget isn't real. I know
8 this budget isn't real. I know this has been a
9 wonderful academic exercise undergone by members
10 of the Majority as we keep passing this budget
11 piece by piece.

12 We passed one piece of the budget
13 one day which knocks out the stadium and the
14 very -- the ink isn't even dry on the budget
15 when there's already a press release that says,
16 Oh, no, no, we're not going to do that under a
17 budget. We're going to do that under an
18 economic development package.

19 Senator, with all due respect, I
20 would love to get real about this budget, but I
21 don't see anything but fiction that we've done
22 this week, and if you want to play with the
23 fiction as your budget, that's fine. What I'm

1 suggesting is that as much fiction as there
2 might be in your budget, the reality is if you
3 don't put back the \$254 million in education
4 funds, you're going to find that you have very
5 real consequences, and they're called higher
6 property taxes, and it starts by making this
7 vote today.

8 I would urge you -- I would urge
9 you as much fiction as there might be in this
10 budget, you owe some real support for public
11 education in this state.

12 ACTING PRESIDENT KUHL: Secretary
13 will call the roll.

14 SENATOR ONORATO: Mr. President.

15 ACTING PRESIDENT KUHL: Senator
16 Onorato.

17 SENATOR ONORATO: On the -- on
18 the amendment.

19 ACTING PRESIDENT KUHL: Senator
20 Onorato on the amendment.

21 SENATOR ONORATO: I'd like to
22 concur with my colleague, Senator Dollinger,
23 about the restoration. You know, we've been

1 hearing numbers here that the Democrats on this
2 side are going to be irresponsible now as to
3 where are we going to get the money.

4 Originally the budget was \$65.5
5 billion, if I'm not correct. We've already
6 restored \$459 million to the Governor's original
7 budget, so it seems that on a daily basis we are
8 finding more revenues. So what we're hoping for
9 on this side of the aisle is that, by the time
10 the real budget comes along, we will have found
11 these additional funds to add to the budget.

12 We've made recommendations
13 before. They were all knocked down. Had some
14 of these amendments, prior amendments, passed we
15 may have not introduced these other amendments
16 to spend the money. So we are not making
17 proposals that are wild and unheard of. We are
18 still trying to stay within the realm of what we
19 consider may be available, and it is for that
20 reason that I urge you to support this
21 amendment.

22 ACTING PRESIDENT KUHL: Chair
23 recognizes Senator Waldon on the amendment.

1 SENATOR WALDON: I wish to
2 explain my vote on the amendment, Mr. President.
3 I thought we had gotten to the point where our
4 names were called. I'll wait for that.

5 ACTING PRESIDENT KUHL: We
6 withdrew the roll call.

7 Senator Skelos.

8 SENATOR SKELOS: Does anyone else
9 wish to speak on the amendment? Senator Marchi?

10 ACTING PRESIDENT KUHL: Senator
11 Marchi on the amendment.

12 SENATOR MARCHI: I just wanted to
13 -- I think we're all very much in favor of some
14 of the things that have been suggested with
15 respect to augmentation of the school budget,
16 and invidious comparisons were drawn with the
17 so-called actions we took to enrich the already
18 rich.

19 The point is, Mr. President, the
20 tax that we passed, that was deferred, I don't
21 know three, four, five years in a row, was en
22 acted by both houses of the Legislature. It was
23 a bipartisan bill. I don't know whether Speaker

1 Fink or Speaker Miller was -- was the Speaker at
2 that time, but let's make it perfectly clear,
3 this -- this -- the origin of the tax cut had
4 bipartisan support in both houses or maybe the
5 Minority jumped ship when it came to the vote.
6 I don't know. But the tax that was put in place
7 did have that support.

8 One of the problems we face, the
9 question is asked rhetorically by The Business
10 Council, but I -- whether -- it could come from
11 anybody else, what about our economic record
12 recently? I mean it's embarrassing, the
13 statement goes. Massachusetts grew jobs 3.1
14 times as fast as New York last year; New Jersey
15 2.3 times as fast, Michigan 4.4, and so on, so
16 that there is a literal march across the country
17 of jobs, real jobs that -- that end up in
18 revenue that -- that's taking place all around
19 us and clear out to the Pacific Coast.

20 So I -- I think it's prudent, Mr.
21 President, at this point that we try to
22 encourage that same spirit to prevail in this
23 state.

1 Then I think we will have the
2 material abundance that we can do a lot of the
3 things that are certainly fairly indicated by
4 the membership here today.

5 If we don't -- if we don't, I
6 mean this solitary march that we are engaged in,
7 in being the untrammeled and unquestionable -
8 unquestioned leaders in unemployment, in job
9 loss, is something that is not sustainable, and
10 while it may be -- it may have a certain amount
11 of rhetorical appeal to say that -- that this is
12 going to the -- those who have a lot of money,
13 those who have a lot of money can get out of the
14 state and put their business some place else.

15 We're not -- I'm not talking
16 about the federal government. I wouldn't make
17 the same argument with the federal government,
18 whether they're Democrats or Republicans,
19 because they're not competing. They're not in
20 the competitive position that the 50 states
21 are. They're competing against other nations
22 that are more highly taxed than we are, but the
23 state of New York is simply out of step, not as

1 a matter of conscience, not as a matter of
2 willingness to do those things that ought to be
3 done, but in an unrealistic fashion that doesn't
4 permit us to embrace the goals and objectives, I
5 think, that we all fairly share.

6 ACTING PRESIDENT KUHL: Secretary
7 will call the roll on the amendment.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT KUHL: Record
10 the party line vote.

11 THE SECRETARY: Ayes 22, nays 36,
12 party vote.

13 ACTING PRESIDENT KUHL: Announce
14 the result. Senator Waldon.

15 SENATOR WALDON: Yes. I honestly
16 don't recall, reading the rules, that it's
17 appropriate to explain my vote on a party line
18 vote. Is that appropriate?

19 ACTING PRESIDENT KUHL: It is at
20 this time, Senator Waldon, for you.

21 SENATOR WALDON: I appreciate
22 your sensitivity, Mr. President.

23 I am supporting Senator

1 Dollinger's amendment and, in so doing, I just
2 want to take two minutes which I'm allowed, to
3 explain some of the things which happened on the
4 steps and the reason that my resolve is so
5 strong in supporting this amendment, of this
6 Capitol over the last couple of weeks.

7 I was at each of the demon
8 strations. I spoke at all but one of the
9 demonstrations. I spoke in the city of New York
10 twice at a demonstration of about 30,000
11 people. Never once did I or do I recall any of
12 my colleagues promising to put back the amounts
13 of money as one of our dear colleagues cited
14 moments ago.

15 What I do recall people saying is
16 that the pain and suffering of this budget for
17 the little people is somehow and in some ways
18 manufactured, that we are not giving away \$950
19 million for the business sector as a surcharge
20 relief, if we had not gone forward -- and we
21 haven't actually, but we will I'm sure go
22 forward with the 720 million personal income
23 tax, if we hadn't given or promised to give G.E.

1 440 million and other things like that, aid to
2 dependent corporations, we wouldn't have the
3 mess that we have now.

4 One of the things that causes my
5 resolve to be the strongest is that when someone
6 will say that if you don't give me what I want,
7 then the little people will be hurt. The
8 secretaries won't get paid; the receptionists
9 won't get paid; the people on my staff who make
10 \$5,200 a year won't get paid. I think that's
11 grossly unfair. I think it is insensitive. I
12 think it is not smart politically. I think it
13 is almost inhumane to treat little people who
14 are not part of this process, who have not been
15 steeled by functioning in an arena like this to
16 deal with those kinds of problems to cause them
17 great nervousness and great tension, and for all
18 of those reasons, for the little people, I
19 support Senator Dollinger's amendment and vote
20 yes.

21 ACTING PRESIDENT KUHL: Announce
22 the results.

23 THE SECRETARY: Ayes 22, nays

1 36.

2 ACTING PRESIDENT KUHL: The
3 amendment is lost.

4 Senator Abate.

5 SENATOR ABATE: Thank you.

6 I waive the reading of the
7 amendment, and I would like to refer the
8 President's attention to Amendment 4.

9 ACTING PRESIDENT KUHL: The
10 amendment is at the desk, Senator Abate. It's
11 before the house. The reading of it is waived
12 and you are provided the opportunity to explain
13 it.

14 SENATOR ABATE: All right; thank
15 you.

16 I am offering this body a
17 wonderful bargain and a tremendous investment
18 and that is the full restoration of funding for
19 the Teacher Resource and Computer Center, and
20 the Governor -- this is a \$17 million program, a
21 two-year cycle program that covers two school
22 years and the Governor cut the program by nine
23 and a half million dollars, essentially a little

1 bit more than half of the program, and in the
2 wisdom of the Senate Minority restored \$3.75
3 million. So what's left that has not been
4 restored is an additional \$3.7 -- .75 million,
5 \$3,750,000. It's a little amount of money, but
6 it buys an enormous resource for teachers
7 statewide.

8 This is what the centers say, and
9 I would like anyone to stand up and say that
10 they haven't worked or they've heard from
11 teachers or administrators. It's a unique
12 opportunity for teachers to leave the classroom
13 to get ongoing training, to share resources and
14 share experiences with their colleagues. It's
15 an opportunity to go over new curriculum, an
16 opportunity to learn about new technologies and
17 it's also an opportunity to improve skills,
18 develop new teaching methods. Without that,
19 teachers are left in their schools not sharing
20 information among teachers within their
21 districts or across district lines.

22 What we're talking about is a
23 small amount of money, but I'm asking the Senate

1 Majority to go one step further. You've already
2 put back the 3 million or so dollars. Put back
3 the additional, so no district around the state,
4 no teacher will have to lose the benefit of
5 these teaching centers. If we're going to
6 prepare for the future, if we're going to create
7 a marketplace where young people are prepared to
8 enter it with skills, it means we need to have
9 qualified teachers in that classroom.

10 We talk about jobs and economic
11 development and recovery. The most important
12 thing is preparing our young people for the
13 future. That is our core investment for that
14 goal. So I urge the Senate Majority to go the
15 additional step to fully fund this program.
16 Again, it's a modest cost with an enormous
17 investment, and I think it will reap enormous
18 results not only for teachers, but parents,
19 administrators and, most of all, for children
20 throughout New York State.

21 Thank you.

22 ACTING PRESIDENT KUHL: Question
23 is on the amendment. Senator Cook on the

1 amendment.

2 SENATOR COOK: Mr. President, I
3 appreciate Senator Abate's presentation because
4 certainly the Teacher Centers are a very
5 important part of our educational system. I
6 think that, in line with everything else we've
7 said, we've had to write a budget that fits
8 within the financial constraints of the
9 available resources.

10 The Teacher Centers currently
11 have nine and a half million dollars which will
12 carry them through the current year. We've
13 added 3.75 million which will restore them
14 substantially if you add that to the 9.5. That
15 gives them 12.25 million next year compared to
16 16 that they spent this year. That is really
17 compared to many other programs which have,
18 unfortunately, had to be reduced, that's a
19 pretty fair restoration.

20 I think the Teacher Centers are
21 being supported proportionately as well as any
22 other part of this program, and as much as I
23 would like to see this additional money, I have

1 to say that I think it's only reasonable that
2 they share in some of the reductions that all of
3 us are having to make in this budget.

4 ACTING PRESIDENT KUHL: Senator
5 Abate.

6 SENATOR ABATE: On the
7 amendment.

8 ACTING PRESIDENT KUHL: On the
9 amendment.

10 SENATOR ABATE: Everyone agrees
11 that throughout New York State the share has to
12 be distributed, but if you look at this cut
13 because it's a two-year program, it's close to
14 50 percent of the program is cut for next year,
15 and so that will impact on the Teaching Centers
16 throughout the state, when you cut the program
17 50 percent, and I don't think anywhere else
18 we've cut a program as great as that.

19 So although we're dealing with
20 small dollars and we can say, Oh, what's the
21 difference, we're only cutting them 3 million or
22 so dollars, it's a substantial proportion of
23 that operating budget, and I dare say without

1 the restoration of these monies, some of those
2 centers will not be operating in a number of our
3 school districts.

4 ACTING PRESIDENT KUHL: Question
5 is on the amendment.

6 SENATOR PATERSON: Party vote in
7 the affirmative.

8 SENATOR SKELOS: Party vote in
9 the negative.

10 ACTING PRESIDENT KUHL: Secretary
11 will call the role, record the party line
12 votes. Announce the results.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 22, nays 36,
15 party vote.

16 ACTING PRESIDENT KUHL: The
17 amendment is lost.

18 Senator Paterson.

19 SENATOR PATERSON: Mr. President,
20 may we read the last section for Senator Nanula?

21 SENATOR SKELOS: No objection.

22 ACTING PRESIDENT KUHL: The
23 Secretary will read the last section, Calendar

1 Number 351.

2 THE SECRETARY: Section 6. This
3 act shall take effect immediately.

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT KUHL: Senator
8 Nanula, how do you vote?

9 SENATOR NANULA: No.

10 ACTING PRESIDENT KUHL: Senator
11 Nanula in the negative.

12 SENATOR SKELOS: Mr. President,
13 while the roll is open, would Senator Dollinger
14 wish to vote at this time? (Laughter).

15 Withdraw the roll call and
16 continue the debate.

17 ACTING PRESIDENT KUHL: Roll call
18 is withdrawn.

19 The Chair recognizes Senator
20 Paterson.

21 SENATOR PATERSON: Mr. President,
22 we have one final amendment, and would you
23 recognize the Senator from the 10th District in

1 Queens, Senator Waldon.

2 ACTING PRESIDENT KUHL: The Chair
3 recognizes Senator Waldon.

4 SENATOR WALDON: Thank you very
5 much, Mr. President.

6 I have an amendment at the desk
7 Mr. President. I believe the number is 5. I
8 respectfully request that you call it up. I
9 waive its reading and request a moment or two to
10 briefly explain same.

11 ACTING PRESIDENT KUHL: The
12 amendment is at the desk, Senator Waldon. We
13 will waive its reading and you now have the
14 opportunity to explain the amendment.

15 SENATOR WALDON: Thank you very
16 much, Mr. President, my colleagues.

17 The Governor did a very wise
18 thing when he put \$600,000 into the state drug
19 elimination program, but when his recommendation
20 came to the Senate, for some reason or another,
21 it was removed. This amendment would restore
22 that \$600,000.

23 The reason that I really hope we

1 can do this is that, as you know, I'm a product
2 of the New York City Housing Authority Police
3 Department, and the 660,000 people who live in
4 those projects have been under siege in recent
5 years in regarding to the drug infestation. In
6 fact, if any of you saw the movie New Jack City
7 it was based on a real circumstance which
8 visited the projects of the city of New York.
9 If you've ever heard of Nicky Barnes -

10 ACTING PRESIDENT KUHL: Senator
11 Waldon, would you excuse the interruption,
12 please. Senator Tully, would you ask the
13 Sergeant-at-Arms to close that door behind you,
14 please?

15 Thank you, Senator Waldon.
16 Pretty noisy.

17 SENATOR STAFFORD: Want an
18 explanation? Oh, forget it.

19 SENATOR WALDON: Always good to
20 see you, Senator Stafford.

21 ACTING PRESIDENT KUHL: Senator
22 Waldon.

23 SENATOR WALDON: Thank you very

1 much, Mr. President. Thank you, Ron.

2 If you recall -- if you recall
3 such infamous names as Nicky Barnes, Fat Cat
4 Nichols, these are the very vipers which fed
5 upon the very life and essence of the people of
6 the city of New York.

7 This program, this drug
8 elimination program, the summer recreational
9 activities and alternatives to opting for par
10 ticipation in drug activities is a vital, vital
11 opportunity for the young children who live in
12 the projects, and I respectfully request that my
13 colleagues join me in the sensitivity on this
14 issue and vote to restore this \$600,000.

15 Thank you very much, Mr.
16 President.

17 ACTING PRESIDENT KUHL: Senator
18 Leibell on the amendment.

19 SENATOR LEIBELL: Mr. President,
20 having recently taken -- recently taken over the
21 chair of the Housing Committee and having had
22 the opportunity within a limited period of time
23 to go through some of the public housing we have

1 in this state, I share my colleague's concern on
2 the issue of drug elimination.

3 As we know as we look back over
4 the Executive Budget as was submitted to us,
5 there were many programs that were eliminated
6 and we have worked very hard to try to move some
7 monies around, refund some of the projects and
8 programs that we felt were important. These
9 included the NPCs, as well as the rural
10 preservation companies which had received very
11 substantial cuts.

12 We had not, however, eliminated
13 all funding for drug elimination in this
14 budget. I would note that, in last year's
15 public housing drug elimination program, there
16 was an appropriation there, I believe of
17 \$600,000, which was not spent. In fact, we have
18 left that money through a reappropriation in
19 this budget.

20 I would also note that there is a
21 federal program which is going to be sponsored
22 by HUD, implemented through HUD, which is aimed
23 at addressing this exact same issue. We do not

1 wish to eliminate this program, so we have moved
2 money to keep some of these programs alive that
3 are important in housing. As I've noted, the
4 money has been reappropriated from the previous
5 year.

6 SENATOR WALDON: Mr. President.

7 ACTING PRESIDENT KUHL: Senator
8 Waldon.

9 SENATOR WALDON: On the -- I
10 would like to recognize the good work that
11 Senator Leibell in his short time here has done,
12 because I called many of my former colleagues.
13 Even though I left the Housing Authority in
14 1975, there are still people there, believe it
15 or not, who worked there when I was there and I
16 asked them to share the information that they
17 had regarding this sensitive issue, and they
18 were very quick to say you had been there, you
19 visited with them, you were very supportive and
20 you had culled from them a great amount of in
21 formation to further sensitize yourself on this
22 issue.

23 So I appreciate what you've done;

1 I thank you; the people of the housing projects
2 applaud you, but I think we could do better and
3 I would hope that, in the wisdom of this body,
4 we will also find the need to restore the full
5 \$600,000 above the money which is a roll-over
6 from last year's budget.

7 Thank you very much, Mr.
8 President.

9 ACTING PRESIDENT KUHL: The
10 question is on the amendment. All those in
11 favor signify by saying aye.

12 (Response of "Aye.")

13 Opposed nay.

14 (Response of "Nay.")

15 The amendment is lost.

16 The Secretary will read the last
17 section.

18 SENATOR SKELOS: Mr. President,
19 would you just wait.

20 SENATOR CONNOR: Mr. President.

21 ACTING PRESIDENT KUHL: Chair
22 recognizes Senator Connor.

23 SENATOR CONNOR: Yes, Mr.

1 President. I rise to close debate for the
2 Minority on this bill.

3 ACTING PRESIDENT KUHL: Senator
4 Connor to close debate on the bill for the
5 Minority.

6 SENATOR CONNOR: Thank you, Mr.
7 President.

8 I think my colleagues have set
9 forth, both through the vehicle of amendments as
10 well as in debate, the serious problems in this
11 version of the Local Assistance Budget which
12 apparently is agreed to between the Governor and
13 the Majority.

14 Important needs of our people, in
15 the health care area, of the elderly, of middle
16 class families who have students in our public
17 universities are not addressed in this budget
18 bill, and they should be addressed.

19 It's very, very shortsighted to
20 ignore the needs of the middle class. It's
21 very, very unfair not to address the concerns
22 about tuition, health care for elderly people,
23 home care which home care was one of the great

1 contributions of a former member of the Senate
2 Majority to health care not only in this state
3 but in the nation: The idea that elderly people
4 could live in dignity in their own homes and
5 still be provided with what care and support is
6 needed to afford that in a way that saved us
7 money because they didn't have to go into a
8 nursing home.

9 So this local assistance bill is
10 seriously deficient.

11 Now, Mr. President, we're going
12 to hear from the Majority in just a few minutes
13 if not on the floor in a press release or press
14 conference if it's not happening already, that
15 the Senate has completed work on the budget.
16 The Senate has completed work on the budget and
17 we're going home for the week end, and I guess
18 we'll be on call, whatever that means.

19 I know the Assembly will remain
20 in session dealing with amendments to budget
21 bills, dealing with budget bills throughout the
22 week end. For the Senate -- for the Majority of
23 this house to say, We're finished with the bud

1 get because we passed the five main expenditure
2 bills and their version of tax cuts for the rich
3 a few weeks ago, ignores an important fact.
4 There are literally dozens, some 90 language
5 bills, so-called Article 7 bills, that tell the
6 public exactly where some of this money will be
7 spent; and until we've adopted that, we can't
8 tell where some of these lump sums will end up.
9 For example, the Majority in this bill before us
10 throws out a lump sum for Medicaid. They don't
11 say whether it will go to save some of our
12 hospitals which are in danger of ceasing to
13 provide quality medical care, not just for poor
14 people, for all of their clients, for people
15 with health insurance, for wealthy people
16 because, when a hospital cuts 20 percent of its
17 budget, 20 percent of its personnel, everyone
18 who depends on that hospital, if it stays open,
19 will suffer a diminution of services. They
20 don't tell us that. Those kinds of things come
21 in those Article 7 bills.

22 They also ignore probably the
23 most important thing to conservatives like me.

1 They ignore the fact that a budget must be
2 balanced. A budget must be balanced. To say we
3 passed the big bills, spending billions, and not
4 show us, not in that, not in that, even in this
5 house the revenue measures that go along with
6 it, is irresponsible.

7 By my rough count, this budget to
8 date in this house leaving aside the "pork" that
9 will provide sausage for the entire state and
10 the business tax cuts that will balloon and
11 cause future deficits, which I saw in a press
12 release on a bill yesterday to which the
13 Governor, even the Governor hadn't agreed,
14 leaving that aside, what the Majority here calls
15 the budget is not balanced. It's off literally
16 by roughly a billion and a half.

17 For example, Senator Bruno has
18 said that in this budget he is -- the Majority
19 is spending \$499 million in additional funds as
20 agreed with the Governor. In addition to what?
21 In addition to the revenues the Governor has
22 proposed, so the bills you've enacted so far
23 subsume and assume that you will receive

1 revenues from things like Keno, Quick Draw -- I
2 look around to see if Senator Padavan is here.
3 I guess you're going to use that \$110 million in
4 Keno. If you're not, your budget is out of
5 balance even with the \$499 -- million dollars in
6 magic money the Governor agreed to, your budget
7 is out of balance by \$110 million because you
8 haven't enacted one way or the other the
9 necessary legislation to authorize Keno.

10 Your budget assumes that you're
11 raiding our retirees' pension funds for \$110
12 million. It does; it assumes that. You haven't
13 enacted the Article 7 bill that would do that
14 and until you do that, your budget is not in
15 balance by an additional 110 million.

16 Here is a list here of one shots,
17 revenues, totalling nearly a billion dollars
18 which you have not yet adopted by passing
19 legislation, and the way I was told a budget
20 works, you spend money, you adopt available
21 revenue measures, you put it together. It's
22 supposed to balance, although the history of
23 this state isn't great at that, but it's

1 supposed to balance, at least in theory, and
2 then you have a budget, but to leave here
3 tonight and say the Senate has completed work on
4 the budget when, in fact, the measures you have
5 adopted, if you go no further and I don't think
6 you'll go any further before the end of the
7 fiscal year which ends at midnight tonight, will
8 be out of balance by more than a billion dollars
9 so you will now -- you will have the proud
10 accomplishment by the end of the fiscal year of
11 having adopted a budgeted with in excess of a
12 billion dollar deficit. Some change for New
13 Yorkers.

14 ACTING PRESIDENT KUHL: The Chair
15 recognizes Senator Bruno to conclude debate for
16 the Majority.

17 SENATOR BRUNO: Thank you, Mr.
18 President.

19 Mr. President, we have passed a
20 budget. I'm glad that the Minority Leader
21 recognizes that we in the Senate have at this
22 hour, in broad daylight, passed a budget in
23 agreement with this Governor, which would be a

1 tribute to the Legislature and the people in
2 this state, with only one shortcoming.

3 There is no Democrat
4 alternative. There is no Democrat budget. All
5 we hear is rhetoric from my colleague on this
6 side of the aisle and from the Speaker in the
7 other house; conversation, political posturing,
8 supposition, but no action. Senators, it's time
9 for action.

10 The Speaker of the Assembly told
11 the people of this state last week that he would
12 pass a budget by March 31st. Senator Connors,
13 where's that budget? Did they pass a budget?
14 Why aren't you asking the Speaker of the
15 Assembly, your colleague why he didn't do what
16 he promised the people of this state?

17 I'll tell you why: Because he
18 and you and others like you are committed to the
19 failed policies of the Cuomo administration that
20 were voted out of office for good reason. The
21 failed policies of the Cuomo administration are
22 what you advocate and the Speaker advocates and
23 that's why you can't do a budget, and if he

1 could have done a budget, he would have passed a
2 budget, but when he surfaces \$2 billion in
3 increased spending, he knows that the
4 conservative Democrats upstate, the real
5 conservative Democrats, are vulnerable. They
6 can't vote for a budget that advocates the
7 failed policies of the Cuomo administration that
8 the liberals insist will continue in this
9 state.

10 They will not continue. This
11 Governor recognizes his mandate. We are
12 partners with this Governor in changing the
13 direction of this state from the failed policies
14 of the past to a bright future for all the
15 people in this state.

16 So when you want to posture and
17 you want to pretend, be my guest. The time for
18 talking is over. The time for action is now.
19 Between now and midnight, if the Assembly wants
20 to work, they could pass this budget and we'd
21 have a budget by April 1st. We would have a
22 budget that would become law here in this state
23 by April 1st.

1 What's the answer? My colleagues
2 on the Democrat side of the aisle say, Let's
3 nitpick what you did. Where are your Article 7
4 bills? We'd like to see your Article 7 bills.
5 Do you know why they want to see the Article 7
6 bills? So that Speaker and they can continue to
7 posture about what we restored versus what they
8 think they should restore.

9 You want to restore, and I want
10 to say this for the public record, about 1
11 billion in welfare restorations in this state
12 and social service restorations. Think about
13 it. About a billion two hundred million is what
14 they'd like to restore. You want to talk about
15 what that would do to the people of this state?
16 Think about it.

17 Senators, think about what you
18 are doing to your constituency when you advocate
19 and support these failed policies. Stop
20 posturing. Stop pretending. Take some action.
21 You've all got a lot of words. Take some
22 action. You should be over in the other chamber
23 encouraging the Speaker to do a budget for the

1 people of this state. They deserve better than
2 they're getting.

3 I'm proud of my colleagues, and I
4 thank you for your support, proud of you. You
5 stayed here. You sat here, you stood up when
6 you had to. You let the people of this state
7 understand what we stand for, and that's
8 changing the direction of government in this
9 state and walking away from the failed policies
10 of the Cuomo administration that the Democrats
11 still embrace in this state, and until they
12 understand that we and this Governor are not
13 going to continue, we won't have a budget.

14 So I would invite the Speaker to
15 let the people of this state know where the
16 Democrats stand. He says he's going to do a
17 budget this week end. Guess what? Mr.
18 President, we have done our work in this house.
19 We are going home while the Assembly fiddles
20 with our budget bills that we will send over to
21 them, and they can posture and they can pretend
22 and I hope and pray that they take some action
23 and put before the public budget bills that they

1 will vote for and, when they do that, the
2 Speaker wants a Conference Committee, we'll have
3 Conference Committees if that's what he would
4 like, but first you have to pass a bill before
5 you can conference anything.

6 So we can't continue to posture.
7 We can't do conference committees because we
8 don't have bills passed in the other house.

9 Now, the Speaker left the meeting
10 with the leaders and said, "I'm going back.
11 We're going to work through the week end. We're
12 going to pass budget bills." Well, I would like
13 to applaud the Speaker. He's a week late, but
14 better late than never. So when he finishes
15 those bills, ladies and gentlemen, we will be
16 back here on Monday. We will be on call in the
17 interim. We will be studying and reviewing with
18 our constituencies what we already know what
19 they believe in which is what we believe in, and
20 we'll be back here ready to continue the
21 people's work.

22 And again, Mr. President, we have
23 passed a budget on March 31st that the Governor

1 agrees with us is the direction that this
2 government should take the people of this
3 state.

4 I'm proud to be able to support
5 that budget, and I will look forward to the
6 Assembly staying in session because they
7 couldn't get their work done during the normal
8 session days and passing budget bills, and I
9 hope when we come back on Monday, that they will
10 have passed budget bills that we can then take
11 up, and I can assure you that we will be open
12 and we will be responsive to move the business
13 of the people forward in this state.

14 Mr. President, I thank you.

15 ACTING PRESIDENT KUHL: Secretary
16 will read the last section.

17 SENATOR PATERSON: Slow roll
18 call.

19 THE SECRETARY: Section 6. This
20 act shall take effect immediately.

21 ACTING PRESIDENT KUHL: Are there
22 five members standing? Yes, there are.
23 Secretary will call the roll slowly.

1 SENATOR SMITH: Ring the bell.

2 THE SECRETARY: Senator Abate.

3 SENATOR ABATE: Explain my vote.

4 ACTING PRESIDENT KUHL: Senator
5 Abate to explain her vote.

6 SENATOR ABATE: I vote no.

7 More important than a budget on
8 time, we need a responsible budget that is
9 fiscally sound and responsible to all, and I
10 underscore "all" the people of this great
11 state. Because this budget is not responsible
12 and not responsive, I vote no.

13 ACTING PRESIDENT KUHL: Senator
14 Abate in the negative.

15 THE SECRETARY: Senator Babbush
16 excused.

17 Senator Bruno.

18 SENATOR BRUNO: Yes.

19 THE SECRETARY: Senator Connor.

20 SENATOR CONNOR: Explain my
21 vote.

22 ACTING PRESIDENT KUHL: Senator
23 Connor to explain his vote.

1 SENATOR CONNOR: Thank you, Mr.
2 President.

3 I'm voting no, Mr. President, but
4 the work of this Senate isn't finished. This
5 isn't a budget. It's not a budget when there's
6 over a billion dollar hole in it, and I'm
7 surprised that my Republican colleagues in this
8 Senate don't understand that, but maybe they'll
9 address it next week after a week end off.

10 The fact of the matter is I've
11 heard assertions here. I've been to leaders'
12 meetings. I've never heard the Speaker ask for
13 \$2 billion or \$1 billion in additional
14 spending. I've watched the Senate and the
15 Governor negotiate against themselves as they
16 went from 335 -- 335 million to 499 million to
17 an one-house Republican pork barrel bill that
18 increases the state's debt.

19 Frankly, Mr. President, there's a
20 lot of posturing here. This budget -- the work
21 of this budget is not done until there are tax
22 cuts for the middle class and not the rich,
23 until tuition at SUNY and CUNY is kept

1 affordable for middle class parents, until our
2 elderly who need home health care and quality
3 medical care for all of our citizens is
4 addressed. This so-called budget doesn't do it
5 despite it's more than \$1 billion deficit.

6 ACTING PRESIDENT KUHL: Senator
7 Connor in the negative.

8 THE SECRETARY: Senator Cook.

9 SENATOR COOK: Yes.

10 THE SECRETARY: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: Explain my
13 vote.

14 ACTING PRESIDENT KUHL: Senator
15 DeFrancisco to explain his vote.

16 SENATOR DeFRANCISCO: I have -
17 this is my third year in the Senate, and
18 probably the time that I've felt the most proud
19 is a few minutes ago when Senator Bruno outlined
20 in great detail what the whole objective of this
21 process is, to change the direction of the state
22 and he accurately outlined the differences
23 between the two sides of this aisle and the two

1 houses of this state.

2 I was over at the Assembly
3 earlier today, and they were debating bills on
4 the Motor Vehicle and Traffic Law, absolutely
5 outrageous on March 31, 1995.

6 Senator Connor said it isn't a
7 budget that Senator -- that Speaker Silver
8 didn't say anything about additional spending.
9 Well, what did he say? What is he saying? Where
10 is it? Where is the alternative? Where is the
11 option? Where is the passed budget bills?
12 Where is one budget bill that's passed? Where is
13 one amendment to any budget bill that's even
14 before that house with a vote?

15 Posturing is all it is. It's
16 simply posturing. We have passed a budget.
17 We've laid our cards on the table in the
18 public. Let's give us the alternative. We'll
19 be here working for the final budget to be
20 passed, but we need that alternative.

21 I'm proud to be on this side of
22 the aisle, and I'm proud that we completed our
23 work in time, in the daylight, no overnight

1 sessions, and we're ready to go home waiting for
2 the Assembly to take their first step this week
3 end. Yes.

4 ACTING PRESIDENT KUHL: Senator
5 DeFrancisco in the affirmative.

6 THE SECRETARY: Senator DiCarlo.

7 ACTING PRESIDENT KUHL: Senator
8 DiCarlo to explain his vote.

9 SENATOR DiCARLO: Thank you, Mr.
10 President.

11 I, too, am proud along with
12 Senator DeFrancisco about passing this budget.
13 Just two quick points I'd like to make. I've
14 been listening to debate in this chamber all
15 this week on budget bills and I, for one, am
16 sick and tired of hearing about this budget bill
17 being anti-middle class.

18 I think it's outrageous to have
19 to listen to that and I think everyone in this
20 state who works and pays taxes knows it's this
21 budget that is for the middle class and the
22 working people in this state and it's outrageous
23 for others to say anything else.

1 As chairman of the Aging
2 Committee, I find something else even more out
3 rageous, and that is what's gone on in this
4 state these past six weeks and the scare tactics
5 that have been put forward to our most
6 vulnerable citizens, the senior citizens of the
7 state of New York. To scare those people is
8 wrong; to scare those people is outrageous.

9 I'm very proud of the fact this
10 budget reinstates the money, takes care of the
11 seniors in this state and for anyone to say
12 otherwise, they're lying.

13 I vote aye.

14 ACTING PRESIDENT KUHL: Senator
15 DiCarlo in the affirmative.

16 THE SECRETARY: Senator
17 Dollinger.

18 ACTING PRESIDENT KUHL: Senator
19 Dollinger to explain his vote.

20 SENATOR DOLLINGER: Mr.
21 President, I guess I'm astounded by the
22 discussion about posturing with all due respect
23 to the Majority Leader and others who have stood

1 up. I guess I'm astounded that we're talking
2 about posturing because I can't believe what
3 went on this week.

4 You all remember what happened
5 Wednesday. We approve a capital budget. This
6 is the budget we're prepared to live by. This
7 is, we're going to go forward, this is our
8 budget. The ink isn't even dry on the budget
9 and there's already a press release with all due
10 respect, and I regret that he's left the room,
11 from Senator DeFrancisco. And you know what the
12 press release says? We're going to spend more
13 money. We're going to go out and do stadiums.
14 We're going to go out and restore all this
15 money. It's not in our budget, but we're going
16 to do it anyway. And you want me to believe
17 that you're not posturing? Not posturing!

18 Senator Bruno, with all due
19 respect, this budget approved by the Majority
20 this week, clearly deserves an award. It's
21 called the Pulitzer Prize for fiction because
22 it's not real. You know it's not real. I know
23 it's not real. I know that there's a charade

1 going on in this state and I know what you're
2 doing, Senator Bruno.

3 You talk about Democrats
4 upstate. I know what you're doing. You're
5 propping up a Governor who's plummeting in the
6 polls. Why is he? Because, as Senator Connor
7 said, we have a fight here over the middle
8 class, and with all due respect to Senator
9 DiCarlo and Senator DeFrancisco, if you don't
10 know how this budget affects the middle class,
11 talk to the people who provide care to our
12 people who are mentally ill; talk to the
13 hospital workers, talk to the administrators,
14 talk to the people in education, talk to the
15 people who are providing employment, talk to the
16 people about Medicaid cuts, talk to them about
17 increases in SUNY tuition. Talk to them about
18 rising property taxes because you're cutting and
19 breaching the social contract to keep their
20 property taxes lower by using broad-based
21 taxes.

22 That's what it does to the middle
23 class. It's simple. We've spent the whole week

1 posturing, and for anybody to stand over there
2 and say that this is the reality that you're
3 prepared to live by, when everybody in this room
4 knows that in the closed doors you're asking for
5 more spending is nonsense. This is a postured
6 document. It's all a political charade to
7 protect the man on the second floor. We'll find
8 out what his mandate is. Look at the polls, you
9 might come to a different conclusion.

10 ACTING PRESIDENT KUHL: Senator
11 Dollinger, how do you vote?

12 SENATOR DOLLINGER: Mr.
13 President, I will be voting no.

14 ACTING PRESIDENT KUHL: Senator
15 Dollinger in the negative.

16 THE SECRETARY: Senator Espada
17 excused.

18 Senator Farley.

19 ACTING PRESIDENT KUHL: Senator
20 Farley to explain his vote.

21 SENATOR FARLEY: You can go home
22 in a minute.

23 Let me just say I never thought

1 I'd see the day that everything started on time
2 in this chamber and I was beginning to doubt
3 whether we would ever pass a budget on time, but
4 I'll tell you what, I'm very proud of this side
5 of the aisle. I'm proud of my Majority Leader,
6 what Senator Bruno said.

7 We have done a budget. It's a
8 real budget. Senator Dollinger, we have
9 addressed many of the inequities and things that
10 were happening within this budget. It's a
11 changed budget, but let me say, I don't know if
12 you know it, but there was a 4-, \$5 billion
13 deficit, probably the most difficult budget that
14 I've ever had to address or work on or to vote
15 for, but we've done it. We've done it on time.
16 This is a budget to be signed.

17 The Assembly should be ashamed of
18 themselves what they -- what they haven't done.
19 They haven't worked on this budget at all. Talk
20 about -- how can you say that we're posturing
21 because that's all that's happened over there.

22 I vote aye.

23 ACTING PRESIDENT KUHL: Senator

1 Farley in the affirmative.

2 THE SECRETARY: Senator Galiber
3 recorded in the negative earlier today.

4 Senator Gold recorded in the
5 negative earlier today.

6 Senator Gonzalez.

7 (There was no response.)

8 Senator Goodman recorded in the
9 affirmative earlier today.

10 Senator Hannon.

11 (There was no response.)

12 Senator Hoblock.

13 ACTING PRESIDENT KUHL: Senator
14 Hoblock to explain his vote.

15 SENATOR HOBLOCK: Thank you, Mr.
16 President.

17 You know, I think it's kind of
18 like deja vu all over again. I spent seven
19 years in the other house, and I took a ten-year
20 hiatus and went to local government, and I'm
21 back now in the state Legislature.

22 You know, one of the reasons I
23 came back here was in an effort to take away

1 some of the pain that's been put on local
2 government in the last ten years, plus I hear
3 about the transfer of what we're doing to the
4 local property taxpayer.

5 Well, let me tell you something.
6 Where the heck do you think the property taxes
7 are in this state now compared to where they
8 were 10, 12 years ago? And that's as a result of
9 spending more money. I have to tell you,
10 spending more money is not the answer. Every
11 time you spend it here, we got to spend more at
12 the local level.

13 Now, we're trying to take a
14 little different switch, and all of a sudden
15 everybody is up in arms. The whole society is
16 going to be devastated, but yet you know we're
17 going to be spending \$63 billion in this state,
18 \$63 billion. That's devastation.

19 Well, let me tell you things have
20 changed, and we've got to do things a little
21 differently. Don't let them go back and tell
22 your local property taxpayers that this budget
23 is going to force an increase in local property

1 taxes. They've gone so high now, I'm not sure
2 they could go any higher, and that's as a result
3 of what's happened here over the past 10 to 15
4 years. We can't take it any more.

5 And as far as the posturing,
6 yeah, we can continue to point fingers, but I
7 have to repeat what everyone else is saying.
8 Why can't we have an alternative? Where is it?
9 Is there some room? We continue to negotiate
10 against ourselves. I'd like to negotiate a
11 peace, but there is no peace because no one else
12 is at that table.

13 I applaud this side of the aisle
14 for taking a courageous stand and doing what
15 we're doing on time. If it's not real, then
16 it's up to the other side in the Assembly to
17 make it real.

18 I vote in the affirmative, Mr.
19 President.

20 ACTING PRESIDENT KUHL: Senator
21 Hoblock in the affirmative.

22 Senator Hoffmann recorded in the
23 negative earlier today.

1 Senator Holland.

2 SENATOR HOLLAND: Aye.

3 THE SECRETARY: Senator Johnson.

4 SENATOR JOHNSON: Mr. President,
5 I'd like to explain my vote.

6 ACTING PRESIDENT KUHL: Senator
7 Johnson to explain his vote.

8 SENATOR JOHNSON: Mr. President,
9 it's amazing to me that I have to make this
10 observation, but I think it's true that the
11 other side of the aisle doesn't know that things
12 have changed since the last election. They
13 don't know, on the national level, the local
14 level and the state level, everyone has said no
15 more taxes, cut taxes; no more mandates, cut
16 mandates. The people want this done.

17 Now, there are -- there are
18 groups out there, the beneficiaries of the
19 largesse which we distribute from one class of
20 our citizens to another, and they would like
21 more, but the people from whom we're extracting
22 the money do not want to pay any more.

23 The simple message people have to

1 keep more of their own money, take care of
2 themselves, their families, and do a much better
3 job personally of regulating their own lives,
4 depend less on government. There's a nationwide
5 movement, it's not just confined to this state,
6 but the other side of the aisle never heard
7 about it yet.

8 They don't know we have a new
9 governor responding to the people's voice which
10 has been expressing rage and frustration for the
11 past half dozen years. I would say, Mr.
12 President, that I'm not much of a politician. I
13 don't know how politics work, but I know how
14 people work, and people tell me cut my taxes,
15 relieve the burdens, relieve the burden on my
16 town, relieve the burden on my county, give us
17 some breathing room, let us stay here, let us
18 keep our money, let us invest our money, let us
19 grow and let us prosper; and that's what this
20 state can do with the proper budget.

21 I'm only leading to one point.
22 Senator Bruno said it. Shelly Silver, and your
23 guys, pass this budget. Let's have a budget on

1 time. Turn this state around. Let's revital
2 ize, rejuvenate our economy and our society.

3 I for one, would vote many times
4 if I could, but I can only vote once and in this
5 case, I'd like to vote aye on this budget.

6 ACTING PRESIDENT KUHL: Senator
7 Johnson in the affirmative.

8 THE SECRETARY: Senator Jones.

9 ACTING PRESIDENT KUHL: Senator
10 Jones to explain her vote.

11 SENATOR JONES: To explain my
12 vote.

13 I probably, you know, very often
14 present a different perspective than many people
15 here. I didn't come here this year thinking
16 that things were going to be worse. I was
17 prepared to join you on a lot of things. You
18 saw me raise my hand when it came to your
19 welfare reform. I raised my hand last year on
20 all the tax cuts when my partner here was
21 telling me, be careful of the emperor with no
22 clothes.

23 I looked at the budget this year

1 and certainly I'm not going to stand here and
2 tell you I thought the Governor's budget was
3 great because many things in it were things that
4 I cared about, but I can tell you honestly on
5 this floor not one person came to see me this
6 year that I said to them, You're going to get
7 your money back or I'm even interested in trying
8 to get your money back. There's nobody that I
9 wasn't honest with.

10 I wanted reprioritizing; I knew
11 things were going to be tough, and I knew you
12 had to make cuts. And let me tell you
13 something, I was with you; I understood it until
14 today when, after we've cut all these things,
15 after we've done all these terrible things -- I
16 felt crushed on Wednesday when I heard Rochester
17 wasn't going to get its stadium, and today I go
18 to the Finance Committee and I get this grand
19 bill that's going to cut every single business
20 tax that you had mistakenly, I say, and I
21 understand it was a mistake, I wasn't here so -
22 mistakenly put on business for the last 20 years
23 and besides that, we're going to have some kind

1 of athletic events from here to Long Island to
2 Buffalo and back, all at government expense.

3 I have to tell you, the
4 credibility went down the drain with me at that
5 point. That, I was told, is a hundred million
6 dollars. If we have that, then I think we ought
7 to be looking at some of the other things that
8 we've done that we all know aren't real today.

9 So I'm still open to see
10 something else. I'm still open to reprior
11 itizing. I appreciate some of the things you
12 put back, and I support them, and I hope some
13 time -- and I'm not laying a finger of blame. I
14 agree with you, negotiations take everybody, but
15 I'm hoping I can come back on Monday and we'll
16 do something real because, frankly, I'm tired,
17 as I'm sure many others are, of spending three
18 days doing something that we knew was an
19 exercise in futility.

20 ACTING PRESIDENT KUHL: Senator
21 Jones in the negative.

22 THE SECRETARY: Senator Kruger
23 voting in the negative earlier today.

1 Senator Kuhl.

2 SENATOR KUHL: Aye.

3 THE SECRETARY: Senator Lack
4 voting in the affirmative earlier today.

5 Senator Larkin.

6 SENATOR LARKIN: Mr. President,
7 to explain my vote.

8 We sat around here since January
9 talking about a new budget, the new way of doing
10 business in this state. We heard a lot of talk
11 on the other side of the aisle in the other
12 house about how they wanted to be a partnership
13 for the people of the state of New York.

14 On the 1st of February, instead
15 of sitting down and listening to the Governor
16 present his budget, we heard such stupid
17 comments as, "I don't have a budget, I don't
18 have a seat." That's the reason we're here
19 today.

20 This is not about a budget. This
21 is about an unhappy group of people who lost the
22 second floor and have an attitude, We want to do
23 it like we've done before. We're not going to

1 do it like you did before. That's why we lost
2 jobs. That's why business moved. That's why
3 people complain today.

4 And what do we hear? "Oh, you're
5 raisin' taxes. You're going to cut out schools;
6 you're going to cut out this." Well, maybe some
7 of you who are complainin' ought to talk to your
8 people, maybe you ought to go home and talk to
9 your people and they should do it in the other
10 house. I received 25 calls since last night; 20
11 of them said, "The mistake you're makin' is you
12 should go back and pass the budget that the
13 Governor gave you on the 1st of February."

14 And we're talkin' about SUNY.
15 We're adding money to SUNY; we're putting things
16 back. That doesn't please the other house. It
17 doesn't please, because you want to spend,
18 spend, spend.

19 There was a message on November
20 the 8th; and what did it say? Enough. Enough
21 here, enough in other statehouses across the
22 nation, and enough in Washington.

23 Ladies and gentlemen, you can't

1 stand here and say we haven't done our work. We
2 have. You can't stand up here and tell us that
3 the other house cares or that they're doing
4 something because they haven't done anything.
5 We can walk out of here tonight and say to our
6 constituents, We fulfilled our constitutional
7 responsibilities. We, at 12 minutes to 6:00,
8 have completed the action where a little effort
9 by your part to speak to your counterparts in
10 the Assembly, maybe we could have reached an
11 agreement. But losers in this battle are the
12 people of the state of New York.

13 I vote yes.

14 ACTING PRESIDENT KUHL: Senator
15 Larkin in the affirmative.

16 Senator LaValle.

17 SENATOR LAVALLE: Aye.

18 THE SECRETARY: Senator Leibell.

19 SENATOR LEIBELL: Aye.

20 THE SECRETARY: Senator Leichter
21 voting in the negative earlier today.

22 Senator Levy.

23 SENATOR LEVY: Aye.

1 THE SECRETARY: Senator Libous.

2 SENATOR LIBOUS: Aye.

3 THE SECRETARY: Senator Maltese.

4 SENATOR MALTESE: Aye.

5 THE SECRETARY: Senator

6 Marcellino.

7 ACTING PRESIDENT KUHL: Senator

8 Marcellino to explain his vote.

9 SENATOR MARCELLINO: Mr.

10 President, the conversation and the words about
11 tax cut being gifts to the wealthiest, I just
12 bring up a quote from a newspaper in my area,
13 NEWSDAY. I don't often quote NEWSDAY and I
14 apologize to the other Senators from Nassau and
15 Suffolk for doing this. I know -- because I
16 know I'm going to pay a heavy price on this
17 one. But there was an editorial, and it quotes
18 this: "A lot of distorting static crackled from
19 both camps last night. Pataki's income tax is
20 not a give away to the poorest -- to the rich as
21 Democrats charge. It gives the poorest wage
22 earners the biggest percentage of savings."
23 That's from NEWSDAY.

1 I may have that enlarged and
2 framed and put on the wall in my office. It's
3 probably simply as an endorsement the best thing
4 I've read in that paper in a long time.

5 I think we do -- that's another
6 thing I have to apologize for; they endorsed my
7 -- I think we do a disservice, quite frankly,
8 when we try as the Speaker of the other chamber
9 says, to make this a class war. We do this a
10 disservice. We heard mention of the fact that
11 the wealthiest people -- I've heard a number lot
12 about income; people making a hundred thousand
13 dollars a year are considered the wealthiest,
14 and we all know that the way most people get
15 that hundred thousand dollars is by having both
16 members of the family working, perhaps even two
17 and three members of the family working to reach
18 that. That's the way it is in the majority of
19 my district. This has some very wealthy people
20 I represent, but I also have average wage
21 earners and when you have both people working to
22 achieve that, I don't consider that the most
23 fantastic wealth.

1 I come from local government
2 about two weeks ago. Local government is being
3 buried. They're cutting taxes. They're cutting
4 staff. They're cutting positions, and they're
5 down to the bone, and what's coming down on them
6 is the tax burden that this government of the
7 last 20 years has been imposing: Unfunded
8 mandates, over-regulation, driving business out
9 of the area, driving business and jobs out of
10 the state.

11 That has to stop. That's not
12 class warfare, not warfare at all. We're all
13 the same class. We all work for our money, and
14 I think we'd all like to keep some of it and
15 we'd like to be able to spend it on what we
16 need.

17 I vote aye.

18 ACTING PRESIDENT KUHL: Senator
19 Marcellino in the affirmative.

20 THE SECRETARY: Senator Marchi.

21 ACTING PRESIDENT KUHL: Senator
22 Marchi to explain his vote.

23 SENATOR MARCHI: Yes, Mr.

1 President.

2 I'd like to address the
3 institutional factors that are involved here
4 tonight. I believe that Senator Bruno and my
5 colleagues have, in various ways, pointed the
6 wisdom of our response to the challenge that we
7 face.

8 But I'm not sure that you should
9 feel that profound sense of embarrassment that
10 my colleagues have called for because you've had
11 an opportunity to stand up and to disagree, to
12 criticize, to submit amendments; in other words,
13 to do your job in terms of the responsibilities
14 you carry, and you wouldn't have had that
15 opportunity had it not been for Senator Bruno
16 and his leadership.

17 We were doing the things that we
18 had to do this week. How can we, in the name of
19 heaven, just fold our arms akimbo, Monday,
20 Tuesday, Wednesday, Thursday, Friday, without
21 doing a damned thing? That's terrible. That is
22 awful. If you had been over there on the other
23 side, you wouldn't have had an opportunity to

1 say anything.

2 Was there a need to say
3 something? Do you realize that we may be paying
4 a lot more money? How is our paper going to be
5 graded? Are we going -- are we have going to be
6 given the credit that we're entitled to by the
7 steps we have taken? A lot depends if we can
8 recapture something, but not all, because we've
9 already been advised that there is a penalty to
10 be paid by the delay.

11 The delay did not happen here.
12 You've had an opportunity. I wouldn't be too
13 embarrassed. You've done what you could and
14 you've tried to represent how you felt. But
15 thank Senator Bruno for that. Nobody can -
16 nobody can thank Mr. Silver for anything over
17 there. They're all going back in embarrassed
18 silence because they didn't have the vehicle
19 within which they could express either
20 indignation or approval.

21 So let's get with it. Next week
22 I hope that what has happened here today faces
23 them with an awful responsibility. They've got

1 to face up to that responsibility. It's a goad
2 and a spur. Otherwise, it will be a profession
3 of bankruptcy, an inability to function, an
4 admission that they are dysfunctional, and that
5 is the only conclusion I can draw. Institution
6 ally every single member here has made his or
7 her contribution. Let them do the same.

8 I vote aye.

9 ACTING PRESIDENT KUHL: Senator
10 Marchi in the affirmative.

11 THE SECRETARY: Senator Markowitz
12 voting in the negative earlier today.

13 Senator Maziarz.

14 ACTING PRESIDENT KUHL: Senator
15 Maziarz to explain his vote.

16 SENATOR MAZIARZ: Thank you. My
17 late father would be proud of you that you
18 pronounced my name right.

19 Mr. President, I rise for the
20 first time in this chamber to say that I'm proud
21 to vote in favor of this budget bill.

22 Less than two and a half weeks
23 ago, other than my colleague Senator Marcellino,

1 I faced the voters in the 61st District. The
2 61st District is a hundred miles in length. Mr.
3 President, when I traveled those hundred miles
4 almost every day talking to the people, real
5 people -- farmers, businessmen, factory workers,
6 they said the same recurrent common themes.

7 They wanted the state of New York
8 to spend less, to tax less, to reform the
9 welfare system which has proven it's not
10 working. They wanted crime control.

11 One of my colleagues on the other
12 side mentioned about polls and the Governor.
13 Three weeks ago, about four days before my
14 election, my campaign consultant came to me and
15 told me that we were ten points down in the
16 poll. Scared the heck out of me. We made a
17 critical decision four days before that
18 election. We were going to go on the air, we
19 were going to go in the newspapers, and we were
20 going to go on the radio and we were going to
21 tell the voters of the 61st District that we
22 supported George Pataki's program for change in
23 the state of New York, that on November the 8th,

1 the people of this state voted for drastic
2 change from the last 20 years. We said that it
3 would be ridiculous to vote for the Governor and
4 then put somebody in the Senate who is going to
5 vote against his program.

6 I'm proud to vote yes on this
7 budget amendment. I'm proud of this side of the
8 aisle. I'm proud of our leader, Joe Bruno, and
9 I'm proud to be a part of this historic moment
10 when the state of New York is going to change
11 its direction after the failed policies of the
12 last 20 years.

13 Thank you.

14 ACTING PRESIDENT KUHL: Senator
15 Maziarz in the affirmative.

16 THE SECRETARY: Senator Mendez.

17 SENATOR MENDEZ: No.

18 THE SECRETARY: Senator
19 Montgomery.

20 SENATOR MONTGOMERY: No.

21 THE SECRETARY: Senator Nanula
22 voting in the negative earlier today.

23 Senator Nozzolio.

1 ACTING PRESIDENT KUHL: Senator
2 Nozzolio to explain his vote.

3 SENATOR NOZZOLIO: Thank you, Mr.
4 President.

5 Mr. President, my colleagues,
6 much has been said by the members of this body
7 pro and con relative to these budget
8 deliberations. I thought it important for us to
9 know what some others are saying, and I have in
10 my hand a letter from Mr. George Fisher, the
11 President and Chief Executive Officer of Kodak,
12 not only the largest employer in our region, but
13 one of the largest manufacturers in New York
14 State, if not the largest.

15 Mr. Fisher says that -- in part,
16 "The tax and regulatory climate in New York has
17 put Kodak at a distinct competitive disadvan
18 tage. Some argue that the Governor's cuts are
19 too deep. In business, when we evaluate options
20 we rely heavily on benchmarks and trend lines,
21 and the benchmarks for New York are not pretty.
22 Of the ten largest states, state and local
23 governments in New York spend more and tax more

1 than any other. The case based on trend lines
2 is no less compelling. In the last dozen years,
3 the state has lost one quarter of its once proud
4 manufacturing base and more than one million
5 people have moved elsewhere. While the rest of
6 the country has been adding jobs, New York has
7 continued to lose them."

8 "Some argue that when business
9 make investments and location decisions, the
10 state's tax and regulatory policies are not a
11 major consideration. Don't you believe it. If
12 New York does not get its fiscal house in order,
13 the exodus of investment and jobs will
14 accelerate. Governor Pataki's budget may not
15 win him popularity contests, but it is a
16 courageous step toward making New York work
17 again. Sincerely, George Fisher, Chief
18 Executive Officer, Kodak."

19 My colleagues, I think that sums
20 it up. We are here to make New York work
21 again. Those tens of thousands of people who
22 rely on economic opportunity in this state count
23 on us, and those economic opportunities that

1 have left New York, these policies of the past
2 have been responsible for. It's time to reverse
3 the trend.

4 That's why, Mr. President, I
5 support this measure. I vote aye on this
6 budget.

7 ACTING PRESIDENT KUHL: Senator
8 Nozzolio in the affirmative.

9 THE SECRETARY: Senator Onorato.

10 SENATOR ONORATO: No.

11 THE SECRETARY: Senator
12 Oppenheimer excused.

13 Senator Padavan voting in the
14 affirmative earlier today.

15 Senator Paterson.

16 ACTING PRESIDENT KUHL: Senator
17 Paterson to explain his vote.

18 SENATOR PATERSON: Mr. President,
19 I think we can forgive the Governor for offering
20 a 25 percent tax cut over a four-year plan. The
21 Governor campaigned on that philosophy last
22 year, and all of us in this chamber have
23 campaigned with an ideal, something that we

1 would like to bring back to the voters in terms
2 of a real -- a real tax cut or something that we
3 might try to deliver.

4 We have a \$4.3 billion deficit in
5 this state, and this deficit is one that we all
6 share in. Unfortunately, it appears that the
7 budget that is written is disproportional in its
8 attempt to ask New Yorkers to share. The
9 Republican Majority of this house has gone ahead
10 and passed their version of what a budget should
11 look like. It spends more money than the
12 Governor right now agrees is available to spend,
13 but it may be closer to the amount of money that
14 inevitably is spent when the budget process is
15 agreed on, and so I actually think that it was
16 some foresight that the Majority would pass a
17 budget so it's on record how the Majority feels
18 on this particular issue.

19 But to state that we have
20 fulfilled our constitutional mandate belies what
21 actually is going on in this particular
22 process. There must be an agreement, and an
23 agreement doesn't mean that you tell the other

1 side to go in and vote your way. An agreement
2 doesn't mean that you withhold the salaries of
3 individuals who don't even vote on the budget
4 who happen to be staff members. An agreement
5 does not mean that you rail publicly and present
6 a lot of sweet sounding very good smelling
7 salvos that the New York State family has
8 swallowed whole.

9 No one can blame them, but we are
10 here to remind New York State residents, remind
11 you of the terrible truth about this budget.
12 The Governor says that there will be \$1100 in
13 savings, but what he didn't say is that that
14 savings is divided over four years.

15 Only in this year, the additional
16 resources that will have to be spent in terms of
17 tuition increases, the additional resources that
18 individuals will have to spend for adult home
19 care for members of their families, the
20 additional property taxes that people will have
21 to pay and, if you don't think they're going to
22 have to pay them, go to the neighboring state of
23 New Jersey where the taxes on -- local taxes

1 have been raised to such an extent that no one
2 in New Jersey has saved a dime since Governor
3 Whitman has come into office, even though she
4 has cut the taxes as she promised.

5 And so I think that now that
6 there has been a proper presentation of every
7 one's point of view, perhaps we can sit down and
8 work out some sensible, achievable solutions in
9 which there will be compromise on both sides,
10 but it is only when we -- when we really fulfill
11 our constitutional mandate, when we come to
12 agreement, that I think we should get up and say
13 that.

14 On this particular bill, Mr.
15 President, I vote no.

16 ACTING PRESIDENT KUHL: Senator
17 Paterson in the negative.

18 THE SECRETARY: Senator Present.

19 SENATOR PRESENT: Aye.

20 THE SECRETARY: Senator Rath.

21 SENATOR RATH: Aye.

22 THE SECRETARY: Senator Saland.

23 SENATOR SALAND: Mr. President,

1 to explain my vote.

2 ACTING PRESIDENT KUHL: Senator
3 Saland to explain his vote.

4 SENATOR SALAND: Mr. President, a
5 bit earlier I listened to my colleague or one of
6 my colleagues from across the aisle from Monroe
7 County, give a rather impassioned denunciation
8 of what has transpired here and in the course of
9 his comments make reference to a Pulitzer
10 Prize.

11 Now, I may not be as gifted as
12 perhaps he, or as acquainted with all of the
13 various and sundry types of awards associated
14 with the arts, but I would suggest that he more
15 appropriately at least for his theatrics, would
16 be a candidate for an Oscar, and if we want to
17 stay in that same mode, I would suggest that the
18 Speaker is sort of the Phantom of the Opera here
19 because the Speaker has just sort of been a
20 spirit, a spirit that has present perhaps
21 physically, but not in mind and certainly not in
22 willingness to negotiate.

23 And is there anyone who can

1 negotiate in a vacuum? You have to have some
2 give and take. Now, you can't talk to a wall.
3 You can't talk to a phantom. You can't talk to
4 a chair in which there's a presence that doesn't
5 want to negotiate.

6 Our obligation was to get a
7 budget by the 1st of April, and that's what we
8 endeavored to do. The Governor basically said
9 during the course of his campaign that we have
10 to change the direction of New York. Is there
11 anybody here who could disagree with what has
12 occurred over the course of the past, I don't
13 know how many years, the loss of jobs, the
14 displacement of people, the fact that we've seen
15 ourselves fall behind virtually every state in
16 the Union in economic development and find
17 ourselves unable to compete?

18 Our Governor said, "I'm going to
19 change that." No one should be surprised. And
20 that's what he's endeavored to do with this
21 budget. You can't operate in a vacuum. We have
22 driven this process. The Governor, the Majority
23 Leader have driven the process, and the only

1 reason why the Assembly is even at this late
2 date contemplating a budget after the 1st of
3 April is simply because this Majority, working
4 with the Governor, has forced them to do it or
5 they'd still be sitting on their collective
6 derrieres doing absolutely nothing.

7 Mr. President, I must tell you I
8 agree wholeheartedly with Senator Paterson's
9 comments that there must be an agreement but, in
10 order for there to be an agreement, the Assembly
11 has to be more than a mere presence at the
12 table. They have to be willing to negotiate.

13 I vote aye, Mr. Speaker.

14 ACTING PRESIDENT KUHL: Senator
15 Saland in the affirmative.

16 THE SECRETARY: Senator
17 Santiago.

18 SENATOR SANTIAGO: No.

19 THE SECRETARY: Senator Sears
20 voting in the affirmative earlier today.

21 Senator Seward.

22 SENATOR SEWARD: Mr. President.

23 ACTING PRESIDENT KUHL: Senator

1 Seward to explain his vote.

2 SENATOR SEWARD: I rise to
3 explain my vote.

4 I've been listening to the
5 discussion very intently, not only this
6 afternoon but all week on the various budget
7 bails that we've been passing, and I've listened
8 to the pros; I've listened to the cons and I've
9 listened to the no votes across the aisle.

10 But let's get to the bottom
11 line. It's March 31st. It's time to get to the
12 bottom line. This house has moved forward. The
13 bottom line is that we have passed a budget that
14 holds down -- cuts spending in this state. We
15 have passed a budget that cuts taxes. We've
16 passed a budget that reforms welfare and we've
17 passed a budget by April 1st.

18 Now, we've reworked the
19 Governor's original proposal. That's our
20 obligation. We've made some restorations -- in
21 SUNY, other higher education programs, for the
22 school districts, in health care, the hospitals,
23 nursing homes, other health care areas. But

1 we've done so within the fiscal constraints that
2 are the real world.

3 And what was our alternative this
4 week? To sit around as the Assembly has done
5 and wait for \$2 billion to fall out of the sky
6 from somewhere? That's ridiculous.

7 So, Mr. President, I'm voting yes
8 on this budget bill, as I have the others this
9 week, and I'm voting no against gridlock,
10 further late budgets, fiscal gimmickry because
11 that's what we'd have to do to fill that \$2
12 billion hole that the Assembly is talking about
13 and I'm voting no for higher taxes or deferring
14 taxes, talking about deferring taxes as Senator
15 Dollinger has suggested here tonight, and I'm
16 voting yes for a budget that meets the needs of
17 the people of this state in a responsible way.
18 I'm voting yes for a budget that will get our
19 economy going and create some jobs in New York
20 State, and I'm voting yes for a budget on time.

21 ACTING PRESIDENT KUHL: Senator
22 Seward in the affirmative.

23 THE SECRETARY: Senator Skelos.

1 SENATOR SKELOS: Mr. President,
2 to explain my vote.

3 ACTING PRESIDENT KUHL: Senator
4 Skelos to explain his vote.

5 SENATOR SKELOS: I have seen a
6 couple of my colleagues with whom I served in
7 the Assembly together get up and say "Mr.
8 Speaker." I don't have those same psychological
9 scars, because I only had the opportunity to
10 serve two years in the Assembly, thank God.

11 But I do want to rise and start
12 off by congratulating our Governor for being a
13 leader and presenting a budget that made the
14 difficult decisions and established parameters
15 that this state needs to grow and prosper in the
16 future.

17 I want to congratulate our
18 leader, Joe Bruno, for putting together a budget
19 with certain restorations, additional tax cuts
20 that will be good for the people of the state of
21 New York, and for making a difficult decision.
22 We sat here today, and I guess it's your job as
23 the Minority to hand up amendment after

1 amendment after amendment, and we took the
2 shots, but this is a budget that we can go home
3 and defend and be proud of with our constituents
4 who told us to do this, this past November 8th.

5 Senator Marcellino, you mentioned
6 NEWSDAY, and, boy I get nervous when I have to
7 follow another Nassau Republican and quote from
8 NEWSDAY. But they said not only what you
9 mentioned about the tax cuts, they said, "But
10 now it's time for Assembly Democrats to do more
11 than just say no. Still unless Democrats are
12 willing to show more details of their proposals,
13 whatever they may be, there is no way for
14 negotiations to move forward."

15 And as to the Speaker, they
16 mention he must lay some cards on the table.

17 "What cuts are the Democrats willing to make?
18 What is their budget? He must lay his cards on
19 the table, and you can't get a budget by playing
20 solitaire with yourself."

21 So, Joe, congratulations on being
22 the leader that you are. Ronnie, you did a
23 great job as our Finance chairman; our staff.

1 This is a budget that we as a Majority can be
2 proud of and, God willing, this week end,
3 although my guess is there will not be one vote
4 in the Assembly this week end by the Assembly in
5 terms of a budget because they don't know how
6 they want to cut, how they want to spend. Quite
7 honestly, I don't think they know what they want
8 to do.

9 So we are proud as a Republican
10 Majority with this document and, hopefully, the
11 Assembly will wake up, join the Governor, join
12 Senator Bruno, and we will have a budget within
13 the next several days.

14 I vote aye.

15 ACTING PRESIDENT KUHL: Senator
16 Skelos in the affirmative.

17 THE SECRETARY: Senator Smith.

18 ACTING PRESIDENT KUHL: Senator
19 Smith to explain her vote.

20 SENATOR SMITH: Thank you, Mr.
21 President.

22 As I sat here, I somehow thought
23 that the clock had raced forward at least six

1 hours and it was now April Fools' Day because
2 all I've heard today is a bunch of fairy tales.

3 I've heard my colleagues spewing
4 all about the "Ps", failed policies, posturing,
5 profiling, politics as usual. But I think the
6 politics as usual has come from the other side
7 of the aisle, and I'd like to add a few more
8 "Ps" for them like prevarication and
9 prostituting their credibility and pilfering
10 from the taxpayers and giving us a budget of
11 pure phoniness.

12 I vote no.

13 ACTING PRESIDENT KUHL: Senator
14 Smith in the negative.

15 THE SECRETARY: Senator Solomon
16 voting in the negative earlier today.

17 Senator Spano.

18 SENATOR SPANO: Aye.

19 THE SECRETARY: Senator
20 Stachowski.

21 SENATOR STACHOWSKI: No.

22 THE SECRETARY: Senator
23 Stafford.

1 SENATOR STAFFORD: Mr.
2 President.

3 ACTING PRESIDENT KUHL: Senator
4 Stafford to explain his vote.

5 SENATOR STAFFORD: I, too, want
6 to congratulate the Majority Leader, the
7 Governor, and I would say that it's too bad, but
8 what Churchill said after the battle of El
9 Alamein is rather appropriate here tonight, and
10 what he said -- and you remember this was one of
11 the great battles -- he said, "This is not the
12 end. It's not the beginning of the end, but
13 it's the end of the beginning."

14 If our Majority Leader had had
15 cooperation and the Governor had had cooperation
16 we would have the end here. But whether anyone
17 likes it or not, and those who are not
18 cooperating, it's the end of the beginning and
19 the system is going on and people are going to
20 realize what has been done here.

21 I want to thank all the staff
22 people who have worked night and day 3:00, 4:00
23 in the morning getting bills out so that we

1 could vote on them, all of the staff, affiliated
2 here with the Senate and in the executive
3 branch. It just didn't happen and, if anyone
4 thinks that this wasn't for real, they just had
5 to be around here at 2:00 or 3:00 in the morning
6 seeing that people were putting a real package
7 together.

8 And I finally say that, you know,
9 I'm reminded -- and I know this is a little com
10 plicated for us up in the North Country, but I'm
11 reminded about the little fellow that kept
12 hitting himself on the head with the hammer
13 because he felt so good when he stopped.

14 And you almost -- you almost
15 think that this is what's happening here today,
16 so we hope that we'll stop hitting ourselves
17 with a hammer, get down to work and, Mr.
18 President, I vote aye.

19 ACTING PRESIDENT KUHL: Senator
20 Stafford in the affirmative.

21 THE SECRETARY: Senator
22 Stavisky.

23 SENATOR STAVISKY: I do not wish

1 to raise a hammer.

2 ACTING PRESIDENT KUHL: Senator
3 Stavisky to explain his vote.

4 SENATOR STAVISKY: I simply want
5 to raise consciousness. It's been a long week,
6 a long day, a long session. We're commiserat
7 ing with each other at this stage, but I've got
8 to say you've done your welfare reform. You've
9 given the tax breaks to those chief executives
10 who are laying off their employees in the
11 private sector, and they're doing very well.
12 You're giving the tax relief to those who have
13 "golden parachutes". If they're laid off, they
14 get a bundle of money even if their corporations
15 haven't done well and if their employees have
16 been put out to pasture.

17 You've done that. You've been
18 encaptured by CHANGE New York, and unless
19 somebody is prepared to dance to that tune of
20 CHANGE New York and forget about the tradition
21 of some wonderful Republican leaders in New
22 York, Nelson Rockefeller and Tom Dewey and Louis
23 Lefkowitz and Jake Javits, unless the

1 individuals running for office today are willing
2 to put aside that brand of Republican
3 enlightenment, they don't stand a chance.

4 I urge you there's a balance
5 between being an ultra right wing reactionary,
6 which is what CHANGE New York insists upon
7 getting for its support, and doing something
8 that is more balanced. We are not in the state
9 of Nebraska where everybody is called a Senator
10 and there's a Governor and there is no other
11 chamber.

12 Legislation is best introduced
13 and enacted into law when there is give and take
14 between two houses, and then and only then it
15 goes to the Governor, and that's the way it is
16 in New York State. We are not in the state of
17 Nebraska. We have to be mindful of people who
18 may not be as fortunate as we are and who need
19 the help of government.

20 Government came into existence to
21 provide services that the people individually
22 might not be able to do for themselves and if we
23 find ourselves at the end of the process saying

1 we have done well for all New Yorkers including
2 those who don't have the resources to pay for
3 things all by themselves, then and only then
4 will we have a fair budget.

5 I want this to be a bipartisan
6 budget. I commiserated with Senator Velella
7 when he said, "Mr. Speaker." Lot of people have
8 been beating up on the Speaker, but I notice an
9 absence on the Chair. I think Randy Kuhl does a
10 marvelous job. Why do we need a Lt. Governor? I
11 haven't seen a Lt. Governor in recent weeks or
12 maybe longer. Do we need a "Wanted" poster?
13 "Missing in Action?" Maybe that's a way to save
14 money that you ought to consider but, in the
15 end, in the absence of the regularly elected Lt.
16 Governor, I think Randy Kuhl has done a
17 marvelous job, and we should commend him for his
18 leadership and his fairness.

19 (Applause).

20 ACTING PRESIDENT KUHL: Senator
21 Stavisky, how do you -

22 SENATOR STAVISKY: I vote no.

23 ACTING PRESIDENT KUHL: Senator

1 Stavisky in the negative. I was going to give
2 you another five minutes, Senator Stavisky,
3 but -

4 THE SECRETARY: Senator Trunzo.

5 SENATOR TRUNZO: Aye.

6 THE SECRETARY: Senator Tully.

7 ACTING PRESIDENT KUHL: Senator
8 Tully to explain his vote.

9 SENATOR TULLY: Yes, Mr.
10 President, to explain my vote.

11 I would hope that Senator
12 Stavisky gets a copy of that NEWSDAY editorial
13 that Senator Marcellino talked about, where it
14 does not say that the CEOs of this state are
15 getting the tax break, rather that the people
16 who really deserve it are getting the tax break
17 under this bill that's been advanced by our
18 Governor and completed by this house with the
19 guidance of our great leader, Joe Bruno, and I'm
20 very hopeful, in the interest of my taxpayers
21 and those we all represent, and the abysmal
22 credit rating of this state, that Speaker Silver
23 who I think is probably the greatest argument

1 for a unicameral Legislature that I've ever
2 heard to date, I'm hopeful that he reduces his
3 \$1 billion spending demand and returns to
4 negotiations with a realistic approach.

5 I'd like to compliment our
6 Majority Leader, Joe Bruno, for bringing a
7 businessman's approach to Albany, for completing
8 a budget on time, in the light of day with no
9 all night sessions, and a budget that spends
10 less than the year before for the first time in
11 over 50 years. Many years ago, Joe, there was a
12 little kid, after a baseball scandal that said
13 as he looked at one of the players, "Say it
14 isn't so, Joe. Say it isn't so."

15 Well, you must be doing something
16 right, Joe, because I am advised and I can
17 announce that the baseball strike was settled
18 today and that you brought a budget in on time
19 for the first time in over 50 years, so we're
20 not saying, "Say it isn't so, Joe;" we're
21 saying, "Let's go with Joe."

22 Thank you very much. I vote
23 aye.

1 ACTING PRESIDENT KUHL: Senator
2 Tully in the affirmative. The Secretary will
3 continue to call the roll.

4 THE SECRETARY: Senator Velella.

5 ACTING PRESIDENT KUHL: Senator
6 Velella to explain his vote.

7 SENATOR VELELLA: Mr. President,
8 while we're handing out awards and complimenting
9 each other, I'd like to compliment myself for
10 withstanding the rigors of today. I didn't
11 think I had the stamina any more to do that.
12 But let me say -- I'll take the applause.

13 But let me say, Senator Stavisky,
14 I appreciate your comments and your remarks
15 about all those great Republicans. I assure you
16 that not all great Republicans are dead
17 (Applause). Take a look -- take a look at this
18 side of the aisle. You've got the Republicans
19 in their seats because they're concerned about
20 what's going on in this state. Take a look at
21 your own side of the aisle and how many of them
22 are there at this late hour.

23 And let me say that I really

1 enjoyed the opportunity of passing a budget in
2 daylight for a change because you see a lot of
3 things that you tend to overlook, and what I saw
4 between yesterday and today is \$1 billion in
5 amendments that you folks offered, \$1 billion
6 more in spending. You wanted to spend on
7 everything you got a letter about. Anybody
8 asked you to spend more money, you had an
9 amendment for it. God bless you. You're going
10 to answer for it, I guarantee you, we're keeping
11 good records on that.

12 But I said, How are you going to
13 pay for it? How are they going to pay? I never
14 heard it from you, but we heard from the Speaker
15 how are you going to pay for it. You know that
16 group of people he was speaking about last
17 night, the middle income people. His tax
18 package takes a proposed tax rate of 7 percent
19 on the middle income and he brings it up to
20 three and three -- seven and three-quarters
21 percent. That increase is to help pay for your
22 billion dollars in spending.

23 And you know those 400,000 of the

1 lowest and poorest income earners, the lowest
2 people in society that earn the least amount of
3 money? We're taking them off the tax rolls.
4 The Speaker wants to keep them on. That's how
5 you're going to pay for your billion dollars.
6 That's how you're going to keep your big
7 spending, and you're going to have to account
8 for it.

9 I vote aye.

10 ACTING PRESIDENT KUHL: Senator
11 Velella in the affirmative.

12 THE SECRETARY: Senator Volker.

13 SENATOR VOLKER: Yes.

14 THE SECRETARY: Senator Waldon.

15 ACTING PRESIDENT KUHL: Senator
16 Waldon to explain his vote.

17 SENATOR WALDON: Thank you very
18 much, Mr. President, my colleagues.

19 A pall fell upon the Mudville of
20 the north, Albany, and the mighty Casey in the
21 personification of the Assembly, Senate and the
22 and Governor struck out, and on the eve of April
23 Fools' Day, tomfoolery or April foolery, if you

1 wish to characterize it as such was practiced,
2 because we had a document but we did not have a
3 budget. We made promises to the people but, if
4 the truth be known, those promises have been
5 unfulfilled.

6 We've spoken here about our
7 desire to restore money, but if the truth be
8 known, money beyond the original amount proposed
9 by the Governor has already been proposed and
10 restored by the Majority, and I assure you that
11 when this final document is done -- and it will
12 be done -- that amount of money will grow.

13 Those of us who are masters of
14 words, and we are, we paint beautiful pictures.
15 Sometimes the pictures are bleak. I think that
16 today the picture is very bleak, because this
17 picture did not take care of those who are least
18 able to take care of themselves, the people who
19 need HEOP and SEEK, the senior citizens who will
20 suffer if we move forward as we're moving. And
21 I think the reason that in this ballgame and
22 those of us who played the game of baseball know
23 that unless it's rained out or called because of

1 darkness, there are nine innings at least, and I
2 think that Al Waldon knocked the mud out of his
3 cleats and dug in deepest when he was sent a
4 letter, and in that letter it said that the
5 little receptionist who works for you in St.
6 Albans, the clerk who makes \$5,200, will not be
7 paid because you, the Senator did not with your
8 colleagues, pass a budget.

9 The beauty of what we do here is
10 that this is a nine-inning game at least and
11 somewhere, some time soon we will have a
12 budget. Like when Gibson faced Koufax, this is
13 a hell of a game that we're playing, and so I
14 applaud, and this is from the heart, I applaud
15 all of the participants because each of the 61
16 members in this room really believe that he's
17 doing the best thing for his constituents and
18 that's what it's all about.

19 So permit me to do the best for
20 my constituents, because never in my years in
21 the Assembly or in the Congress or here in this
22 Senate have people come into my office and
23 physically cried tears. Never has the post

1 office delivered to my office in St. Albans and
2 in the Rockaways, not letters by the hundreds
3 wrapped with twine but those post office sacks
4 filled with mail, people concerned. Never has
5 my phone been tied up complaining, moaning and
6 groaning about this budget.

7 Some of you have advised on that
8 side of the aisle that there were very positive
9 calls to your offices about the budget. That
10 wasn't the case in the 10th Senatorial
11 District. They perceive this with much pain and
12 suffering.

13 So some time next week hopefully
14 or the week after, we will get to the ninth
15 inning and we will have a budget, and the people
16 of the state of New York will move forward. But
17 until that time, until there's greater effort,
18 until there's a sensitivity to the little
19 people, until we stop feeding the rich with the
20 poor, Al Waldon will have to vote in the no.

21 Thank you very much, Mr.
22 President.

23 ACTING PRESIDENT KUHL: Senator

1 Waldon in the negative.

2 THE SECRETARY: Senator Wright.

3 ACTING PRESIDENT KUHL: Senator
4 Wright to explain his vote.

5 SENATOR WRIGHT: Explain my
6 vote.

7 One of his memories that I have
8 of my first year in the Senate was a conference
9 over the -- excuse me, over the issue of the
10 then budget. Now, I remember John Marchi
11 standing up in that conference and talking about
12 the tradition of the Senate and how the
13 Majority, the Republican Majority, in its
14 tradition was to govern; and I stand here this
15 afternoon pleased that I'm a member of this
16 house, of this Majority and that we, in fact,
17 have met our obligation to government.

18 Joe Bruno, under his leadership,
19 Ron Stafford, we've advanced budget bills that
20 have been negotiated with the Governor. As
21 Minority members, you've had the opportunity to
22 introduce amendments. We've all engaged in the
23 debate. We have philosophical disagreements as

1 to what the right direction for this state is.
2 We have differences in terms of our obligations
3 to our constituencies, but nonetheless, we
4 maintain the tradition of this house. We
5 followed the process that is expected of us. We
6 met those obligations. We debated. We voted on
7 and we've achieved a budget.

8 I think that's an important step
9 in terms of moving ahead. I think it's a step
10 that's very consistent with what I've learned to
11 be the tradition of this Senate, of this house
12 and, as a result, I'm proud to be here in this
13 house as part of the Majority moving ahead,
14 making the process work for our constituents,
15 meeting our obligations, meeting our
16 responsibilities to the people of this state.

17 Mr. President, I vote aye.

18 ACTING PRESIDENT KUHL: Senator
19 Wright in the affirmative.

20 Secretary will call the
21 absentees.

22 THE SECRETARY: Senator
23 Gonzalez.

1 (There was no response.)

2 Senator Hannon.

3 SENATOR HANNON: Yes.

4 ACTING PRESIDENT KUHL: Announce
5 the results.

6 THE SECRETARY: Ayes 36, nays
7 21.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 Senator Bruno.

11 SENATOR BRUNO: Mr. President, can
12 you now at this time recognize Senator Saland.

13 ACTING PRESIDENT KUHL: Chair
14 recognizes Senator Saland.

15 SENATOR SALAND: Thank you, Mr.
16 President. On Supplemental Calendar Number 1, I
17 offer the following amendments to Calendar
18 Number 352, Senate Print Number 3595-A and ask
19 that the bill retain its place on the Third
20 Reading Calendar.

21 ACTING PRESIDENT KUHL:
22 Amendments are received and adopted, bill will
23 retain its place on the Third Reading Calendar.

1 SENATOR BRUNO: Can we return to
2 regular order, Mr. President, take up Calendar
3 Number 354.

4 ACTING PRESIDENT KUHL: Secretary
5 will take up Calendar Number 354.

6 Senator Bruno, there's a
7 substitution at the desk. We'll ask that be
8 read.

9 SENATOR BRUNO: Please, Mr.
10 President.

11 ACTING PRESIDENT KUHL: Secretary
12 will read.

13 THE SECRETARY: Senator Bruno
14 moves to discharge from the Committee on Rules
15 Assembly Bill Number 6498-A and substitute it
16 for the identical Senate Bill 354.

17 ACTING PRESIDENT KUHL:
18 Substitution is ordered. Senator Bruno.

19 SENATOR BRUNO: Is there a
20 message of necessity at the desk, Mr. President?

21 ACTING PRESIDENT KUHL: Senator
22 Bruno, I'm informed by the Secretary there is a
23 message of necessity here.

1 SENATOR BRUNO: Can we vote on
2 the message, Mr. President?

3 ACTING PRESIDENT KUHL: Motion of
4 Senator Bruno to accept the message of
5 necessity, all those in favor signify by saying
6 aye.

7 (Response of "Aye.")

8 Opposed nay.

9 (There was no response.)

10 The message of necessity is
11 accepted.

12 Secretary will read the last
13 section.

14 SENATOR PATERSON: Mr. President.

15 ACTING PRESIDENT KUHL: Secretary
16 will read the title.

17 THE SECRETARY: Calendar Number
18 354, by member of the Assembly Crowley, an act
19 to amend the Racing, Pari-mutuel Wagering and
20 Breeding Law in Chapter 281 of the Laws of
21 1994.

22 ACTING PRESIDENT KUHL: Secretary
23 will read the last section.

1 THE SECRETARY: Section 5. This
2 act shall take effect immediately.

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 58.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 Senator Bruno.

10 SENATOR BRUNO: Mr. President,
11 can we return to the regular calendar and take
12 up Calendar 349.

13 ACTING PRESIDENT KUHL: Secretary
14 will read Calendar Number 349.

15 Senator Bruno, there's a
16 substitution at the desk, if your pleasure is to
17 substitute at this time.

18 SENATOR BRUNO: Please, Mr.
19 President.

20 ACTING PRESIDENT KUHL: Secretary
21 will read the substitution.

22 THE SECRETARY: Senator Saland
23 moves to discharge from the Committee on

1 Children and Families Assembly Bill Number 6744
2 A and substitute it for the identical Calendar
3 Number 349.

4 ACTING PRESIDENT KUHL:
5 Substitution is ordered.

6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 349, by member of the Assembly Weinstein, an act
9 to amend the Family Protection and Domestic
10 Violence Intervention Act of 1994.

11 ACTING PRESIDENT KUHL: Senator
12 Bruno.

13 SENATOR BRUNO: Mr. President, is
14 there a message from the Governor at the desk?

15 ACTING PRESIDENT KUHL: There is
16 a message of necessity at the desk, Senator
17 Bruno.

18 SENATOR BRUNO: Can we move its
19 adoption at this time?

20 ACTING PRESIDENT KUHL: Motion is
21 to accept the message of necessity. All those
22 in favor signify by saying aye.

23 (Response of "Aye.")

1 Opposed nay.

2 (There was no response.)

3 The message is accepted.

4 Secretary will read the last

5 section.

6 THE SECRETARY: Section 2. This

7 act shall take effect immediately.

8 ACTING PRESIDENT KUHL: Call the

9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 58.

12 ACTING PRESIDENT KUHL: The bill

13 is passed.

14 Senator Paterson.

15 SENATOR PATERSON: Mr. President,

16 earlier today I laid aside Calendar 174 offered

17 by Senator Skelos. His very able counsel has

18 answered my questions on this particular bill.

19 If you would like to bring the bill before the

20 house at this time, I'm satisfied with the

21 explanation.

22 ACTING PRESIDENT KUHL: Senator

23 Bruno.

1 SENATOR BRUNO: No objection.

2 ACTING PRESIDENT KUHL: No
3 objection. Secretary will read Calendar Number
4 174.

5 THE SECRETARY: Calendar Number
6 174, by Senator Skelos, Senate Bill 425, an act
7 to amend the Business Corporation Law, in
8 relation to corporate finance.

9 ACTING PRESIDENT KUHL: Secretary
10 will read the last section.

11 THE SECRETARY: Section 57. This
12 act shall take effect on the 180th day.

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 58.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 Senator Bruno, we do have some
20 housekeeping, I think, at the desk if we could
21 take care of that now.

22 SENATOR BRUNO: Can we do that,
23 Mr. President?

1 ACTING PRESIDENT KUHL: Chair
2 recognizes Senator Levy.

3 SENATOR LEVY: Yes. Mr.
4 President, I'd like to remove the sponsor's star
5 from Calendar Number 60.

6 ACTING PRESIDENT KUHL: Sponsor's
7 star will be removed from Calendar Number 60.
8 Senator Libous.

9 SENATOR LIBOUS: Mr. President,
10 on behalf of Senator Kuhl, please place a
11 sponsor's star on Calendar Number 334.

12 ACTING PRESIDENT KUHL: Sponsor's
13 star is placed on Calendar Number 334.

14 The Chair recognizes Senator
15 Bruno.

16 SENATOR BRUNO: Thank you, Mr.
17 President. At this time we'd like to remind the
18 members, Republican members, we'll have a
19 conference at 2:00 p.m. on Monday, and, Mr.
20 President, there being no further business to
21 come before the Senate at this time, I move that
22 we adjourn until Monday, April 3rd, and session
23 at 3:00, intervening days to be legislative

1 days.

2 Thank you, Mr. President.

3 ACTING PRESIDENT KUHL: Senator
4 Bruno.

5 There will be a 2:00 o'clock
6 conference of the Majority in Room 332 on
7 Monday, April 3rd. Also Senator Bruno wants the
8 members to be reminded that all members are
9 subject to call of the Majority Leader over the
10 next two days. The Senate stands, without
11 objection, adjourned until Monday, April 3rd at
12 3:00 p.m.

13 (Whereupon at 6:44 p.m., the
14 Senate adjourned.)

15

16

17

18

19

20

21