ALBANY, NEW YORK

March 31, 1995

10:02 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

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

(A moment of silence was observed.)

Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno, that brings us to the calendar.

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

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

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

SENATOR PATERSON: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT KUHL: The bill is passed.

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

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT KUHL: The bill

is passed.

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

SENATOR LAVALLE: Lay the bill aside for the day.

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

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 8. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

314, by Senator Hannon.

SENATOR PATERSON: Lay aside.

SENATOR HANNON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 35.

ACTING PRESIDENT KUHL: The bill is passed.

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

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

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

SENATOR BRUNO: Lay it aside.

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

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

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar.

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

SENATOR PATERSON: Explanation.

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

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

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

SENATOR PATERSON: Explanation.

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

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

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

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

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

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

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

SENATOR ONORATO: Yes.

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

SENATOR ONORATO: Thank you.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

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

on Monday, and at this time.

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

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

ACTING PRESIDENT KUHL: No housekeeping, Senator Bruno.

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

Thank you, Mr. President.

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

Senator Mendez.

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

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

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

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

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

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

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

ACTING PRESIDENT KUHL: Return to reports of standing committees.

Secretary will read.

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

following bills directly for third reading:

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

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

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

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

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

All bills directly for third reading.

ACTING PRESIDENT KUHL: Chair recognizes Senator Bruno.

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

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

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The report is adopted.

All bills are directed to third reading.

Senator Bruno.

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

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

SENATOR PATERSON: Explanation.

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

SENATOR BRUNO: Mr. President. Is there a message of necessity at the desk?

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

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

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

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The message is accepted.

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

SENATOR PATERSON: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Yes, Mr. President.

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

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

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR GOLD: Point of inquiry.

ACTING PRESIDENT KUHL: Senator Gold.

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

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

ACTING PRESIDENT KUHL: Senator Paterson.

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

ACTING PRESIDENT KUHL: Chair recognizes Senator Leichter.

SENATOR LEICHTER: Yes, one minute, please.

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

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Hoffmann.

SENATOR HOFFMANN: In the negative, Mr. President.

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

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

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

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

SENATOR BRUNO: I move its adoption at this time.

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

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The message is accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR HOFFMANN: In the negative, please.

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

Senator Leichter.

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

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

ACTING PRESIDENT KUHL: Senator Leichter on the bill.

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

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

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

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

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

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

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

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

SENATOR LEICHTER: Even?

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

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

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

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

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

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

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

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

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

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

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

into the practices into next year.

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

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

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

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

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

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

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

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

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

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

(Laughter.)

SENATOR LEICHTER: Let me say I

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

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

SENATOR BRUNO: How much, Senator?

SENATOR LEICHTER: $11,563,560.

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

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

SENATOR BRUNO: It's five.

SENATOR LEICHTER: Excuse me?

SENATOR BRUNO: Five.

SENATOR LEICHTER: Five million?

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

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

SENATOR BRUNO: Yes, Senator. We

think it's 5 million.

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

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

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

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

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

SENATOR LEICHTER: Senator Bruno -

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

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

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

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

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

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

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

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

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

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

SENATOR STAFFORD: Yes.

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

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

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

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

SENATOR LEICHTER: Senator, I think -

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

SENATOR STAFFORD: Yes.

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

SENATOR BRUNO: Thank you. Yes.

ACTING PRESIDENT KUHL: Senator does.

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

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

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

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

SENATOR CONNOR: We'll quote it for you.

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

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

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

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

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

SENATOR STAFFORD: Yes, right.

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

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

Thank you.

SENATOR LEICHTER: If Senator

Bruno will yield.

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

SENATOR BRUNO: Yes.

ACTING PRESIDENT KUHL: Senator yields.

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

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

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

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

SENATOR LEICHTER: But -

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

SENATOR LEICHTER: Yes, I would.

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

SENATOR BRUNO: Yes.

ACTING PRESIDENT KUHL: Senator yields.

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

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

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

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

(Laughter.)

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

SENATOR STAFFORD: High point of personal privilege.

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

Mr. President. Just briefly on the bill.

ACTING PRESIDENT KUHL: Senator Leichter, on the bill.

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

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

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

We happen to think that most

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

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

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

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

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

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

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

the public, and it really disgraces this house.

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

ACTING PRESIDENT KUHL: Chair recognizes Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

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

Why do I say that? Because the

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

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

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

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

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

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

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

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

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

What do they propose to do with

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

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

Do I feel a sense of betrayal? Yes. Lo and behold, what does this all mean? Will the Senate spend less? Yes. It will spend $3 million less than it did last year. Remember, it was over 7-1/2 million. Three million less, which means the Minority that underspent by nearly a half million last year gave it back, hoping it would go to the taxpayers, now finds out that, Oh, when we cut back the Senate -- when we cut back the Senate, a third of the cutback goes to the people who underspent, and the people who overspent by $8 million get to keep the difference.

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

This budget is a disgrace.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

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

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT KUHL: Senator Connor.

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

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

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

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

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Connor.

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

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

ACTING PRESIDENT KUHL: Chair recognizes Senator Bruno.

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

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

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

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

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

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

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

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

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

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

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

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

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

balanced budget by tonight.

And I thank you.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Connor.

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

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

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

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

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

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

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

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Stafford.

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

Now, anybody on either side of

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

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

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

Thank you.

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

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

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR GOODMAN: Aye.

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

The Secretary will read the last

section of Calendar Number 351.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR GOODMAN: Aye.

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

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

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

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

that they would like to speak on the bill.

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

ACTING PRESIDENT KUHL: Thank you, Senator Gold.

Senator Dollinger on the bill.

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

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

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

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

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

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

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

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

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

those expenses.

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

SENATOR VELELLA: Senator yield to a question?

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

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

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

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

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

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

SENATOR DOLLINGER: Mr.

President, if I could clarify. What bothers me -

SENATOR VELELLA: A 32-year-old blond.

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

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

SENATOR VELELLA: Will the

Senator yield for one last question?

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

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

ACTING PRESIDENT KUHL: Senator Dollinger yields.

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

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

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

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

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

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

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

ACTING PRESIDENT KUHL: Senator Nozzolio waives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT KUHL: Chair recognizes Senator Leichter.

SENATOR LEICHTER: Thank you, Mr. President.

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

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

SENATOR LEICHTER: Thank you.

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

Senator Bruno said earlier -

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

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

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

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

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

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

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

I move the amendment.

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

(Response of "Aye".)

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Opposed nay.

(Response of "Nay".)

The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record

the party line votes and announce the results.

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

ACTING PRESIDENT KUHL: The amendment fails.

Senator Paterson, was Senator Jones next to be recognized?

Senator Jones for the purposes of an amendment.

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

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

Senator Jones.

SENATOR JONES: Thank you, Mr. President.

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

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

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

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

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

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

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

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

amendment would ask that we have a quarterly accounting.

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

SENATOR NOZZOLIO: Would Senator Jones yield?

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

SENATOR JONES: Yes, I will.

ACTING PRESIDENT KUHL: The Senator yields.

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

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

only amount it would entail was the printing.

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

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

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

SENATOR NOZZOLIO: Thank you, Senator.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold on the amendment.

SENATOR GOLD: Will Senator Nozzolio yield to a question?

SENATOR NOZZOLIO: Certainly.

ACTING PRESIDENT KUHL: Senator Nozzolio yields.

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

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

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

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

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

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

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

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

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

SENATOR GOLD: I spoke to -

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

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

SENATOR NOZZOLIO: Senator, I -

SENATOR GOLD: I want -

ACTING PRESIDENT KUHL: Gentlemen, gentlemen, please.

SENATOR NOZZOLIO: You may say

it's the -

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

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

SENATOR GOLD: Thank you.

Will Senator Nozzolio yield to a question?

ACTING PRESIDENT KUHL: Senator Nozzolio, do you yield?

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

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

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

SENATOR GOLD: You're absolutely

correct. Please go ahead, Senator.

SENATOR NOZZOLIO: Thank you, Mr. President.

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

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

analysis.

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

SENATOR GOLD: Will the Senator yield to another question?

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

SENATOR NOZZOLIO: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

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

SENATOR NOZZOLIO: Is that -

Senator, the computer cost is $5,000?

(Senator Gold nods head.)

SENATOR NOZZOLIO: What about the distribution costs? What about the staff costs? What about the other secondary additional costs with additional reporting, Senator?

SENATOR GOLD: Will the Senator yield?

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

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

ACTING PRESIDENT KUHL: Senator

Gold -- does Senator Nozzolio yield to another question?

SENATOR NOZZOLIO: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

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

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

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

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

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

SENATOR GOLD: Mr. President, on the amendment.

ACTING PRESIDENT KUHL: Senator Gold, on the amendment.

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

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

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

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

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

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

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

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

we should give them back.

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

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

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

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

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

Having said that in general, back

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

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

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

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

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

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

ACTING PRESIDENT KUHL: Senator Jones on the amendment.

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

ACTING PRESIDENT KUHL: Senator Jones, on what issue?

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

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

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

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

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

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

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

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

(Senator Skelos nods head.)

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

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

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

more question?

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

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

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

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

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

SENATOR JONES: Okay. Thank you,

Senator.

SENATOR WALDON: Mr. President.

ACTING PRESIDENT KUHL: Senator Waldon.

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

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

SENATOR SKELOS: Which Senator from Nassau County?

SENATOR WALDON: Senator Skelos.

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

ACTING PRESIDENT KUHL: Senator Waldon, the Senator yields.

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

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

SENATOR SKELOS: I balance mine.

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

SENATOR SKELOS: No. I said I balance mine.

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

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

SENATOR WALDON: Mr. President, would the Senator -

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

SENATOR WALDON: I thank you, Mr. President.

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

SENATOR SKELOS: Talk to your my Minority Leader.

SENATOR WALDON: I will do that.

SENATOR SKELOS: Talk to your Comptroller.

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

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

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

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

SENATOR WALDON: Okay. The unofficial books.

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

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

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

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

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

SENATOR WALDON: Thank you, Mr. President.

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

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

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

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

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

ACTING PRESIDENT KUHL: Senator Waldon, on the amendment.

SENATOR WALDON: I will be extremely brief.

I have seen some dancing in this

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

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Thank you, Senator Waldon.

Senator Dollinger, on the amendment.

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

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

bill.

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

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

SENATOR JONES: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

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

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

SENATOR JONES: Well, I only

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

SENATOR DOLLINGER: Mr. President, I would just -

ACTING PRESIDENT KUHL: Senator Dollinger, on the amendment.

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

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

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

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

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

SENATOR ABATE: No. This is -

ACTING PRESIDENT KUHL: On the amendment.

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

Would Senator Skelos yield to a question?

ACTING PRESIDENT KUHL: Senator Abate.

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

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

with the Senate Majority.

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

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

SENATOR SKELOS: I refuse to yield.

SENATOR ABATE: You refuse to yield?

SENATOR SKELOS: Yep.

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

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

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

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

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

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

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

ACTING PRESIDENT KUHL: Senator Abate, on the amendment.

Senator Paterson, why do you rise?

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

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

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

Now, if a member wishes to

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

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

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

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

respond to AT&T.

Senator Abate on the amendment.

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

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

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

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

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

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

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

(Response of "Aye".)

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT KUHL: The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the party line vote.

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

ACTING PRESIDENT KUHL: The amendment is failed.

SENATOR DOLLINGER: Mr. President.

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

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

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

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

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

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

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

Senator Dollinger on the amendment.

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

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

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

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

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

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

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

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

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

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

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

This is the way Congress does

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

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

(Response of "Aye".)

Opposed, nay.

SENATOR PATERSON: Party vote.

ACTING PRESIDENT KUHL: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 21, nays

36. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Paterson.

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

ACTING PRESIDENT KUHL: Senator Galiber.

SENATOR GALIBER: Thank you, Mr. President.

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

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

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

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

recognized for the purposes of explaining the amendment.

Senator Galiber.

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

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

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

Not only in the spirit of reform,

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

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

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

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

We certainly understand in a real

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

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

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

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

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

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

SENATOR PATERSON: Party vote.

ACTING PRESIDENT KUHL: The Secretary will call the roll.

SENATOR SKELOS: Party vote in the negative.

(The Secretary called the roll.)

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

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

ACTING PRESIDENT KUHL: The amendment is failed.

Senator Leichter on the bill.

SENATOR LEICHTER: Yes, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT KUHL: Senator

Skelos.

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

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

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

ACTING PRESIDENT KUHL: That's correct.

SENATOR SKELOS: Thank you.

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

Thank you.

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

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

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

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

SENATOR DOLLINGER: Mr. President, in the interest of absolute brevity, this amendment simply deletes all the appropri

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

I'd move the amendment, Mr. President.

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

SENATOR PATERSON: Party vote in the affirmative.

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

(The Secretary called the roll.)

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

ACTING PRESIDENT KUHL: The amendment is lost.

The Secretary will read the last section.

SENATOR PATERSON: Slow roll call, Mr. President.

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

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

The Secretary will read the last section.

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

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

THE SECRETARY: Senator Abate.

(There was no response.)

Senator Babbush, excused.

Senator Bruno.

(Affirmative indication.)

THE SECRETARY: Aye.

Senator Connor.

(Negative indication.)

THE SECRETARY: No.

Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator DiCarlo.

SENATOR DiCARLO: Aye.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just to explain my vote.

ACTING PRESIDENT KUHL: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: You know, Senator Gold always uses a nice melody in his approach to the language on the floor of this chamber. He said to Senator Tully that he was a

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

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

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

ACTING PRESIDENT KUHL: Senator Dollinger in the negative.

The Secretary will continue to call the roll.

THE SECRETARY: Senator Espada, excused.

Senator Farley.

(There was no response.)

Senator Galiber.

SENATOR GALIBER: No.

THE SECRETARY: Senator Gold.

SENATOR GOLD: No.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: No.

THE SECRETARY: Senator Goodman recorded in the affirmative earlier today.

Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hoblock.

SENATOR HOBLOCK: Yes.

THE SECRETARY: Senator Hoffmann recorded in the negative earlier today.

Senator Holland. Senator Holland.

SENATOR HOLLAND: Yes.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Jones.

SENATOR JONES: No.

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: No.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: Aye.
THE SECRETARY: Senator Leibell.
SENATOR LEIBELL: Aye.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: No.
THE SECRETARY: Senator Levy.
SENATOR LEVY: Aye.
THE SECRETARY: Senator Libous.
(There was no response.)
Senator Maltese.
(There was no response.)
Senator Marcellino.
SENATOR MARCELLINO: Aye.
THE SECRETARY: Senator Marchi.
(There was no response.)
Senator Markowitz.
SENATOR MARKOWITZ: No.
THE SECRETARY: Senator Maziarz.
SENATOR MAZIARZ: Yes. If that was Maziarz, yes.
THE SECRETARY: Senator Maziarz.
SENATOR MAZIARZ: Yes.

THE SECRETARY: Senator Mendez.
(There was no response.)
Senator Montgomery.
(There was no response.)
Senator Nanula.
SENATOR NANULA: No.
THE SECRETARY: Senator Nozzolio.
(There was no response.)
Senator Onorato.
SENATOR ONORATO: No.
THE SECRETARY: Senator Oppenheimer, excused.
Senator Padavan.
SENATOR PADAVAN: Yes.
THE SECRETARY: Senator Paterson.
SENATOR PATERSON: No.
THE SECRETARY: Senator Present.
SENATOR PRESENT: Aye.
THE SECRETARY: Senator Rath.
SENATOR RATH: Aye.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Aye.
THE SECRETARY: Senator Santiago.

(There was no response.)

Senator Sears.

SENATOR SEARS: Aye.

THE SECRETARY: Senator Seward.

(There was no response.)

Senator Skelos.

SENATOR SKELOS: I vote yes.

THE SECRETARY: Senator Smith.

SENATOR SMITH: No.

THE SECRETARY: Senator Solomon.

SENATOR SOLOMON: No.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: Since the desk keeps mispronouncing my Polish colleague's name all the time, I vote no.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Aye.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: No.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Aye.
THE SECRETARY: Senator Tully.
SENATOR TULLY: Aye.
THE SECRETARY: Senator Velella.
SENATOR VELELLA: Yes.
THE SECRETARY: Senator Volker.
(There was no response.)
Senator Waldon.
(Negative indication.)
Senator Wright.
SENATOR WRIGHT: Aye.
ACTING PRESIDENT KUHL: Call the absentees.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: Aye.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Maltese.
(There was no response.)
Senator Marchi.
SENATOR MARCHI: Aye.
THE SECRETARY: Senator Mendez.
(There was no response.)

Senator Montgomery.
(There was no response.)
Senator Nozzolio.
SENATOR NOZZOLIO: Aye.
THE SECRETARY: Senator Santiago.
(There was no response.)
Senator Seward.
SENATOR SEWARD: Aye.
THE SECRETARY: Senator Volker.
(There was no response.)
Senator Abate.
SENATOR ABATE: No.
THE SECRETARY: Senator Mendez.
(Negative indication.)
Senator Maltese.
SENATOR MALTESE: Aye.
THE SECRETARY: Senator Volker.
SENATOR VOLKER: Yes.
ACTING PRESIDENT KUHL: Announce the results when tabulated.
THE SECRETARY: Ayes 36, nays 20.
ACTING PRESIDENT KUHL: The bill

is passed.

The Chair recognizes Senator Skelos.

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

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

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

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

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

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

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

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

SENATOR SKELOS: Would you recognize Senator Padavan.

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

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: Senator Padavan in the affirmative.

SENATOR SKELOS: Senator Sears.

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

SENATOR SEARS: Yes.

ACTING PRESIDENT KUHL: Senator Sears in the affirmative.

SENATOR SKELOS: Senator Lack.

ACTING PRESIDENT KUHL: Senator

Lack, how do you vote?

SENATOR LACK: I vote in the affirmative.

ACTING PRESIDENT KUHL: Senator Lack in the affirmative.

SENATOR SKELOS: Senator Solomon.

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

SENATOR SOLOMON: No.

ACTING PRESIDENT KUHL: Senator Solomon in the negative.

SENATOR SKELOS: Senator Kruger.

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

SENATOR KRUGER: No.

ACTING PRESIDENT KUHL: Senator Kruger in the negative.

SENATOR SKELOS: Please close the roll.

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

SENATOR PATERSON: Explanation.

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

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

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

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

SENATOR STAFFORD: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator

Stafford.

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

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

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

The Governor's projected decline

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

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

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

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

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

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

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

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

Now, once again, Mr. President, I

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

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

ACTING PRESIDENT KUHL: The Chair recognizes Senator Galiber.

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

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

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

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

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

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

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

SENATOR STAFFORD: I apologize, Senator.

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

SENATOR STAFFORD: Go ahead.

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

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

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

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

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

EOP is the same thing and, again,

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

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

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

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

What else did Joe ask about?

ACTING PRESIDENT KUHL: The Chair recognizes Senator Leichter.

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

SENATOR SKELOS: No objection.

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

SENATOR PATERSON: Mr. President.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR LEICHTER: In the negative, please.

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

The Chair recognizes Senator Paterson.

Senator Paterson, are you yielding to Senator Stavisky?

SENATOR PATERSON: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Stavisky.

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

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

SENATOR STAVISKY: The amendment

to -- it's 80108015.

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

SENATOR STAVISKY: Mr. President.

ACTING PRESIDENT KUHL: Senator Stavisky.

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The question is on the amendment.

SENATOR MARKOWITZ: Mr. President.

SENATOR PATERSON: Party vote.

ACTING PRESIDENT KUHL: Senator Markowitz.

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

ACTING PRESIDENT KUHL: Senator Markowitz on the amendment.

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

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

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

ACTING PRESIDENT KUHL: Senator LaValle on the amendment.

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

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

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

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

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

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

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

sponsor of the TAP program.

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

SENATOR STAVISKY: Mr. President.

ACTING PRESIDENT KUHL: Senator Stavisky on the amendment.

SENATOR STAVISKY: Will Senator LaValle yield for a question?

ACTING PRESIDENT KUHL: Senator LaValle.

SENATOR LAVALLE: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

And so we're finding that we are

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

ACTING PRESIDENT KUHL: Senator Stavisky.

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

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

SENATOR LAVALLE: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

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

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

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

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

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

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

SENATOR LAVALLE: No. I think that you -

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

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

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

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

SENATOR STAVISKY: Thank you, Senator LaValle.

On the amendment.

ACTING PRESIDENT KUHL: Senator Stavisky on the amendment.

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

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

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

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

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

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

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

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

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

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

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

SENATOR LAVALLE: Yes.

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

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

Within the time constraints that

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

SENATOR GALIBER: Thank you.

ACTING PRESIDENT KUHL: Senator Paterson.

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

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

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR GALIBER: Can I be recorded in the negative?

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

Senator Markowitz.

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

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

The roll call is withdrawn. Return to debate on Calendar Number 351.

The Chair recognizes Senator Paterson.

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

Amendment Number 1. I'll waive its reading.

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

SENATOR PATERSON: Oh, I'm sorry.

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

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

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT KUHL: The Secretary will call the roll.

(The Secretary called the roll.)

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

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

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Paterson.

SENATOR PATERSON: As I was saying

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

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

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

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

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

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

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Secretary will call the roll.

SENATOR SKELOS: Party vote in the negative.

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

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

ACTING PRESIDENT KUHL: Amendment is lost.

Senator Paterson.

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

ACTING PRESIDENT KUHL: Senator

Stafford, will you yield for a question?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

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

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

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

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

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

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

SENATOR PATERSON: Will the Senator yield for a question?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator Stafford continues to yield.

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

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

SENATOR STAFFORD: Yes, there is, Senator.

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

SENATOR STAFFORD: 272.

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

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

SENATOR PATERSON: Just one second, Senator.

SENATOR STAFFORD: Take your time.

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

ACTING PRESIDENT KUHL: Senator

Stafford, will you continue to yield?

SENATOR STAFFORD: Yes, Mr. President, but I want to make it very clear as I was just advised, and rightfully so, and provide the necessary services when we have this funding.

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

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

SENATOR STAFFORD: Approximately, Senator, $750 million.

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

SENATOR STAFFORD: Let me put it this way.

SENATOR PATERSON: O.K.

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

it's not just coming out of my fingertips.

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

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

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

SENATOR STAFFORD: Right. Right.

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

SENATOR STAFFORD: Well, that's his point.

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

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

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

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

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

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

SENATOR STAFFORD: Sure.

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

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

SENATOR STAFFORD: I got it. I got it.

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

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

SENATOR PATERSON: All right.

Thank you very much, Senator.

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

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

SENATOR STAFFORD: Yes, the 30 million.

SENATOR PATERSON: I took the $418 million.

SENATOR STAFFORD: Right.

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

SENATOR STAFFORD: Right.

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

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

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

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

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

ACTING PRESIDENT KUHL: The Chair recognizes Senator -

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

ACTING PRESIDENT KUHL: Yes.

SENATOR PATERSON: Yes, we did.

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

SENATOR PATERSON: Now if the Chair would recognize Senator Dollinger.

ACTING PRESIDENT KUHL: Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I believe you have an amendment, it's labeled as Number 2 although I understand it's Num... it's actually Number 3. But it's labeled as Number 2, and I would call that amendment up. I would waive the reading of the amendment ask for an opportunity to explain it.

ACTING PRESIDENT KUHL: Amendment is before the chamber. The reading of it is waived. Chair recognizes Senator Dollinger to explain the amendment.

SENATOR DOLLINGER: Mr. President, this amendment is very simple. I think it's easily understood by all the members of the house.

What this would do is restore the present law, the amount of school funds in the general support of public schools in this

state. I think it's essential that we do this because this will avoid what the Governor of this state, what this Legislature have promised the people in our districts that we wouldn't take money out of the broad-based tax for public education and require our school districts to raise their property taxes to cover the lost revenue.

We have had for the last two decades, supported by the Majority in this house and by the Minority in this house, a contract, a social contract for want of a better term between our school districts, our local communities and this body, and what that contract has said is that we're going to divide the cost of public education between revenues that come from property taxes and revenues that come from broad-based taxes around the state, the personal income tax and our business taxes and our sales taxes, and what we have maintained for the last several decades is a sense that New York State has an obligation to the children of this state to provide them with a reasonable

educational opportunity and that we would take part of the pressure off property taxes to do that.

In this budget, what I would seek to do through this amendment is take $254 million of broad-based taxes and take that money and apply it, give it to the school districts, include growth aid, so that we could be in a situation where those school districts do not face drastic property increases.

I would point out that one of the communities I represent in the town of Greece has already announced its budget for 1995-96. They're talking about a $6 million shortfall in expenditures and -- excuse me, in revenues. And how much of that would be attributable to the loss in aid from the state of New York? Well, their amount would drop by $3 million that I believe will cost them approximately $8 per thousand on a tax rate in the town of Greece because they're a growing district. They need the assistance of growth aid from the broad-based taxes that we have at our disposal.

The same thing is true in the city of Rochester, which I also represent. The city of Rochester, a growing urban school district, would find that their revenues would actually grow over the prior year by about $7 million that they need to cover the cost of additional students in a school district with great needs.

We have had for the last several decades a social contract with these school districts and the children that we serve that we would use our broad-based taxes to soften the effect of rising costs and rising expenditures. It seems to me in this amendment you have the opportunity to continue that social contract and to avoid the one thing that the Governor has said we're going to avoid, that we have said we should avoid, which is rising property taxes that simply dumps costs that we have paid for on the local property taxes and require that those property taxes increase.

I spoke earlier this week about the start of the avalanche of costs. The

avalanche will continue. We will continue to dump costs onto local property taxes unless - unless we continue the decade-long social contracts between this body and the children of this state, to continue to pay for these expenditures with broad-based taxes.

I would ask you to strongly support this amendment, $250 million dollars. It will save property taxes throughout this state.

ACTING PRESIDENT KUHL: The question is on the amendment.

SENATOR ONORATO: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Senator Cook, why do you rise?

SENATOR COOK: Mr. President, I'd like to indicate in case Senator Dollinger is not aware of it, that we are restoring growth aid to the school districts; that, in fact, Monroe County will be getting in the neighborhood of $1.6 million of growth aid as a result of the Senate budget.

But I think that, again, to echo some things that other people have said, kind of an interesting process going on around here because a few weeks ago somebody agreed that we had about $335 million in additional revenue and we have found another $165 million in cuts which we have now agreed that we have about $500 million worth of restorations that we've been able to make.

We know that we have to have a balanced budget. We in this house have developed a balanced budget. There are people in this Capitol who stood out on the front steps and have told every single group that comes to Albany, Yes, we'll restore every bit of money that you want. I don't know what the grand total of these promises are that they've been making, that Senator Dollinger has made to whoever, to whomever he may have made those promises, but already this afternoon, I think the amount is up to something like $800 million, which they've promised which already is $300 million more than the monies that we have

available.

Now, it's all well and good to be in the Minority and perhaps that's why you've been in the Minority so long, because you can't add, but it's all well and good to be in the Minority and to be able to spend the same money several times over, but the fact is that when you put together a budget, you can't make it work that way.

I would dearly love to see an additional $600 million in this budget for aid to education, but it simply is not doable in this year, and it simply cannot be done in the context of this budget, and wishing doesn't make it so and, much though I may wish, it just can't happen.

Senator, we have to balance this budget, and I would like to accept your amendment but we simply don't have the dollars.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. You actually do have the dollars,

Senator Cook, and you know it as well as I do. There is a way to do this. It's the way you've done it the last two years that I've been in this house. You've postponed the last phase of the personal income tax to allow the state to make an adjustment. We've done that twice before. We've done it for six years. Why? Because we decided it was more important to save property taxes to our local communities than to feed that yawning maw which supposedly exists out there so we can create tax credits for wealthy people who may even have the choice to send their children to school but not to public school.

I'll be glad to, Senator.

SENATOR SKELOS: Senator Dollinger yield?

SENATOR DOLLINGER: I'll be glad to.

SENATOR SKELOS: Senator Dollinger, last year did you vote against post poning or for postponing the tax cut?

SENATOR DOLLINGER: I voted no

both times.

SENATOR SKELOS: You were opposed to postponing the tax cut last year, but now you're for postponing the tax cut.

SENATOR DOLLINGER: No, my position on the budget last year I wasn't going to support the budget, I thought it had things wrong with it then; I voted against the budget for that reason.

SENATOR SKELOS: You voted against postponing the tax cut in prior years but this year you want this Majority to postpone the tax cut.

SENATOR DOLLINGER: Mr. President, I voted against the budget, and I know my reasons for voting against the budget were multitudinous and if Senator Skelos wants to interpret that way, he can. I think I'll probably see that in my next television commercial put out against me.

The point I'm making to Senator Cook is that what we're doing here is we're taking broad-based taxes and we're going to

transfer costs to property taxes. I appreciate Senator Cook's comment about, let's get real. Let's do something real. Let's -- I would love to get real, Senator, except the problem is we have all these weeks in writing a work which will qualify for the Pulitzer Prize for fiction because you know this budget isn't real. I know this budget isn't real. I know this has been a wonderful academic exercise undergone by members of the Majority as we keep passing this budget piece by piece.

We passed one piece of the budget one day which knocks out the stadium and the very -- the ink isn't even dry on the budget when there's already a press release that says, Oh, no, no, we're not going to do that under a budget. We're going to do that under an economic development package.

Senator, with all due respect, I would love to get real about this budget, but I don't see anything but fiction that we've done this week, and if you want to play with the fiction as your budget, that's fine. What I'm

suggesting is that as much fiction as there might be in your budget, the reality is if you don't put back the $254 million in education funds, you're going to find that you have very real consequences, and they're called higher property taxes, and it starts by making this vote today.

I would urge you -- I would urge you as much fiction as there might be in this budget, you owe some real support for public education in this state.

ACTING PRESIDENT KUHL: Secretary will call the roll.

SENATOR ONORATO: Mr. President.

ACTING PRESIDENT KUHL: Senator Onorato.

SENATOR ONORATO: On the -- on the amendment.

ACTING PRESIDENT KUHL: Senator Onorato on the amendment.

SENATOR ONORATO: I'd like to concur with my colleague, Senator Dollinger, about the restoration. You know, we've been

hearing numbers here that the Democrats on this side are going to be irresponsible now as to where are we going to get the money.

Originally the budget was $65.5 billion, if I'm not correct. We've already restored $459 million to the Governor's original budget, so it seems that on a daily basis we are finding more revenues. So what we're hoping for on this side of the aisle is that, by the time the real budget comes along, we will have found these additional funds to add to the budget.

We've made recommendations before. They were all knocked down. Had some of these amendments, prior amendments, passed we may have not introduced these other amendments to spend the money. So we are not making proposals that are wild and unheard of. We are still trying to stay within the realm of what we consider may be available, and it is for that reason that I urge you to support this amendment.

ACTING PRESIDENT KUHL: Chair recognizes Senator Waldon on the amendment.

SENATOR WALDON: I wish to explain my vote on the amendment, Mr. President. I thought we had gotten to the point where our names were called. I'll wait for that.

ACTING PRESIDENT KUHL: We withdrew the roll call.

Senator Skelos.

SENATOR SKELOS: Does anyone else wish to speak on the amendment? Senator Marchi?

ACTING PRESIDENT KUHL: Senator Marchi on the amendment.

SENATOR MARCHI: I just wanted to -- I think we're all very much in favor of some of the things that have been suggested with respect to augmentation of the school budget, and invidious comparisons were drawn with the so-called actions we took to enrich the already rich.

The point is, Mr. President, the tax that we passed, that was deferred, I don't know three, four, five years in a row, was en acted by both houses of the Legislature. It was a bipartisan bill. I don't know whether Speaker

Fink or Speaker Miller was -- was the Speaker at that time, but let's make it perfectly clear, this -- this -- the origin of the tax cut had bipartisan support in both houses or maybe the Minority jumped ship when it came to the vote. I don't know. But the tax that was put in place did have that support.

One of the problems we face, the question is asked rhetorically by The Business Council, but I -- whether -- it could come from anybody else, what about our economic record recently? I mean it's embarrassing, the statement goes. Massachusetts grew jobs 3.1 times as fast as New York last year; New Jersey 2.3 times as fast, Michigan 4.4, and so on, so that there is a literal march across the country of jobs, real jobs that -- that end up in revenue that -- that's taking place all around us and clear out to the Pacific Coast.

So I -- I think it's prudent, Mr. President, at this point that we try to encourage that same spirit to prevail in this state.

Then I think we will have the material abundance that we can do a lot of the things that are certainly fairly indicated by the membership here today.

If we don't -- if we don't, I mean this solitary march that we are engaged in, in being the untrammeled and unquestionable - unquestioned leaders in unemployment, in job loss, is something that is not sustainable, and while it may be -- it may have a certain amount of rhetorical appeal to say that -- that this is going to the -- those who have a lot of money, those who have a lot of money can get out of the state and put their business some place else.

We're not -- I'm not talking about the federal government. I wouldn't make the same argument with the federal government, whether they're Democrats or Republicans, because they're not competing. They're not in the competitive position that the 50 states are. They're competing against other nations that are more highly taxed than we are, but the state of New York is simply out of step, not as

a matter of conscience, not as a matter of willingness to do those things that ought to be done, but in an unrealistic fashion that doesn't permit us to embrace the goals and objectives, I think, that we all fairly share.

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

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the party line vote.

THE SECRETARY: Ayes 22, nays 36, party vote.

ACTING PRESIDENT KUHL: Announce the result. Senator Waldon.

SENATOR WALDON: Yes. I honestly don't recall, reading the rules, that it's appropriate to explain my vote on a party line vote. Is that appropriate?

ACTING PRESIDENT KUHL: It is at this time, Senator Waldon, for you.

SENATOR WALDON: I appreciate your sensitivity, Mr. President.

I am supporting Senator

Dollinger's amendment and, in so doing, I just want to take two minutes which I'm allowed, to explain some of the things which happened on the steps and the reason that my resolve is so strong in supporting this amendment, of this Capitol over the last couple of weeks.

I was at each of the demon strations. I spoke at all but one of the demonstrations. I spoke in the city of New York twice at a demonstration of about 30,000 people. Never once did I or do I recall any of my colleagues promising to put back the amounts of money as one of our dear colleagues cited moments ago.

What I do recall people saying is that the pain and suffering of this budget for the little people is somehow and in some ways manufactured, that we are not giving away $950 million for the business sector as a surcharge relief, if we had not gone forward -- and we haven't actually, but we will I'm sure go forward with the 720 million personal income tax, if we hadn't given or promised to give G.E.

440 million and other things like that, aid to dependent corporations, we wouldn't have the mess that we have now.

One of the things that causes my resolve to be the strongest is that when someone will say that if you don't give me what I want, then the little people will be hurt. The secretaries won't get paid; the receptionists won't get paid; the people on my staff who make $5,200 a year won't get paid. I think that's grossly unfair. I think it is insensitive. I think it is not smart politically. I think it is almost inhumane to treat little people who are not part of this process, who have not been steeled by functioning in an arena like this to deal with those kinds of problems to cause them great nervousness and great tension, and for all of those reasons, for the little people, I support Senator Dollinger's amendment and vote yes.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 22, nays

36.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Abate.

SENATOR ABATE: Thank you.

I waive the reading of the amendment, and I would like to refer the President's attention to Amendment 4.

ACTING PRESIDENT KUHL: The amendment is at the desk, Senator Abate. It's before the house. The reading of it is waived and you are provided the opportunity to explain it.

SENATOR ABATE: All right; thank you.

I am offering this body a wonderful bargain and a tremendous investment and that is the full restoration of funding for the Teacher Resource and Computer Center, and the Governor -- this is a $17 million program, a two-year cycle program that covers two school years and the Governor cut the program by nine and a half million dollars, essentially a little

bit more than half of the program, and in the wisdom of the Senate Minority restored $3.75 million. So what's left that has not been restored is an additional $3.7 -- .75 million, $3,750,000. It's a little amount of money, but it buys an enormous resource for teachers statewide.

This is what the centers say, and I would like anyone to stand up and say that they haven't worked or they've heard from teachers or administrators. It's a unique opportunity for teachers to leave the classroom to get ongoing training, to share resources and share experiences with their colleagues. It's an opportunity to go over new curriculum, an opportunity to learn about new technologies and it's also an opportunity to improve skills, develop new teaching methods. Without that, teachers are left in their schools not sharing information among teachers within their districts or across district lines.

What we're talking about is a small amount of money, but I'm asking the Senate

Majority to go one step further. You've already put back the 3 million or so dollars. Put back the additional, so no district around the state, no teacher will have to lose the benefit of these teaching centers. If we're going to prepare for the future, if we're going to create a marketplace where young people are prepared to enter it with skills, it means we need to have qualified teachers in that classroom.

We talk about jobs and economic development and recovery. The most important thing is preparing our young people for the future. That is our core investment for that goal. So I urge the Senate Majority to go the additional step to fully fund this program. Again, it's a modest cost with an enormous investment, and I think it will reap enormous results not only for teachers, but parents, administrators and, most of all, for children throughout New York State.

Thank you.

ACTING PRESIDENT KUHL: Question is on the amendment. Senator Cook on the

amendment.

SENATOR COOK: Mr. President, I appreciate Senator Abate's presentation because certainly the Teacher Centers are a very important part of our educational system. I think that, in line with everything else we've said, we've had to write a budget that fits within the financial constraints of the available resources.

The Teacher Centers currently have nine and a half million dollars which will carry them through the current year. We've added 3.75 million which will restore them substantially if you add that to the 9.5. That gives them 12.25 million next year compared to 16 that they spent this year. That is really compared to many other programs which have, unfortunately, had to be reduced, that's a pretty fair restoration.

I think the Teacher Centers are being supported proportionately as well as any other part of this program, and as much as I would like to see this additional money, I have

to say that I think it's only reasonable that they share in some of the reductions that all of us are having to make in this budget.

ACTING PRESIDENT KUHL: Senator Abate.

SENATOR ABATE: On the amendment.

ACTING PRESIDENT KUHL: On the amendment.

SENATOR ABATE: Everyone agrees that throughout New York State the share has to be distributed, but if you look at this cut because it's a two-year program, it's close to 50 percent of the program is cut for next year, and so that will impact on the Teaching Centers throughout the state, when you cut the program 50 percent, and I don't think anywhere else we've cut a program as great as that.

So although we're dealing with small dollars and we can say, Oh, what's the difference, we're only cutting them 3 million or so dollars, it's a substantial proportion of that operating budget, and I dare say without

the restoration of these monies, some of those centers will not be operating in a number of our school districts.

ACTING PRESIDENT KUHL: Question is on the amendment.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT KUHL: Secretary will call the role, record the party line votes. Announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes 22, nays 36, party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Paterson.

SENATOR PATERSON: Mr. President, may we read the last section for Senator Nanula?

SENATOR SKELOS: No objection.

ACTING PRESIDENT KUHL: The Secretary will read the last section, Calendar

Number 351.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Nanula, how do you vote?

SENATOR NANULA: No.

ACTING PRESIDENT KUHL: Senator Nanula in the negative.

SENATOR SKELOS: Mr. President, while the roll is open, would Senator Dollinger wish to vote at this time? (Laughter).

Withdraw the roll call and continue the debate.

ACTING PRESIDENT KUHL: Roll call is withdrawn.

The Chair recognizes Senator Paterson.

SENATOR PATERSON: Mr. President, we have one final amendment, and would you recognize the Senator from the 10th District in

Queens, Senator Waldon.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Waldon.

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

I have an amendment at the desk Mr. President. I believe the number is 5. I respectfully request that you call it up. I waive its reading and request a moment or two to briefly explain same.

ACTING PRESIDENT KUHL: The amendment is at the desk, Senator Waldon. We will waive its reading and you now have the opportunity to explain the amendment.

SENATOR WALDON: Thank you very much, Mr. President, my colleagues.

The Governor did a very wise thing when he put $600,000 into the state drug elimination program, but when his recommendation came to the Senate, for some reason or another, it was removed. This amendment would restore that $600,000.

The reason that I really hope we

can do this is that, as you know, I'm a product of the New York City Housing Authority Police Department, and the 660,000 people who live in those projects have been under siege in recent years in regarding to the drug infestation. In fact, if any of you saw the movie New Jack City it was based on a real circumstance which visited the projects of the city of New York. If you've ever heard of Nicky Barnes -

ACTING PRESIDENT KUHL: Senator Waldon, would you excuse the interruption, please. Senator Tully, would you ask the Sergeant-at-Arms to close that door behind you, please?

Thank you, Senator Waldon. Pretty noisy.

SENATOR STAFFORD: Want an explanation? Oh, forget it.

SENATOR WALDON: Always good to see you, Senator Stafford.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: Thank you very

much, Mr. President. Thank you, Ron.

If you recall -- if you recall such infamous names as Nicky Barnes, Fat Cat Nichols, these are the very vipers which fed upon the very life and essence of the people of the city of New York.

This program, this drug elimination program, the summer recreational activities and alternatives to opting for par ticipation in drug activities is a vital, vital opportunity for the young children who live in the projects, and I respectfully request that my colleagues join me in the sensitivity on this issue and vote to restore this $600,000.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Senator Leibell on the amendment.

SENATOR LEIBELL: Mr. President, having recently taken -- recently taken over the chair of the Housing Committee and having had the opportunity within a limited period of time to go through some of the public housing we have

in this state, I share my colleague's concern on the issue of drug elimination.

As we know as we look back over the Executive Budget as was submitted to us, there were many programs that were eliminated and we have worked very hard to try to move some monies around, refund some of the projects and programs that we felt were important. These included the NPCs, as well as the rural preservation companies which had received very substantial cuts.

We had not, however, eliminated all funding for drug elimination in this budget. I would note that, in last year's public housing drug elimination program, there was an appropriation there, I believe of $600,000, which was not spent. In fact, we have left that money through a reappropriation in this budget.

I would also note that there is a federal program which is going to be sponsored by HUD, implemented through HUD, which is aimed at addressing this exact same issue. We do not

wish to eliminate this program, so we have moved money to keep some of these programs alive that are important in housing. As I've noted, the money has been reappropriated from the previous year.

SENATOR WALDON: Mr. President.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: On the -- I would like to recognize the good work that Senator Leibell in his short time here has done, because I called many of my former colleagues. Even though I left the Housing Authority in 1975, there are still people there, believe it or not, who worked there when I was there and I asked them to share the information that they had regarding this sensitive issue, and they were very quick to say you had been there, you visited with them, you were very supportive and you had culled from them a great amount of in formation to further sensitize yourself on this issue.

So I appreciate what you've done;

I thank you; the people of the housing projects applaud you, but I think we could do better and I would hope that, in the wisdom of this body, we will also find the need to restore the full $600,000 above the money which is a roll-over from last year's budget.

Thank you very much, Mr. President.

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

(Response of "Aye.")

Opposed nay.

(Response of "Nay.")

The amendment is lost.

The Secretary will read the last section.

SENATOR SKELOS: Mr. President, would you just wait.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Connor.

SENATOR CONNOR: Yes, Mr.

President. I rise to close debate for the Minority on this bill.

ACTING PRESIDENT KUHL: Senator Connor to close debate on the bill for the Minority.

SENATOR CONNOR: Thank you, Mr. President.

I think my colleagues have set forth, both through the vehicle of amendments as well as in debate, the serious problems in this version of the Local Assistance Budget which apparently is agreed to between the Governor and the Majority.

Important needs of our people, in the health care area, of the elderly, of middle class families who have students in our public universities are not addressed in this budget bill, and they should be addressed.

It's very, very shortsighted to ignore the needs of the middle class. It's very, very unfair not to address the concerns about tuition, health care for elderly people, home care which home care was one of the great

contributions of a former member of the Senate Majority to health care not only in this state but in the nation: The idea that elderly people could live in dignity in their own homes and still be provided with what care and support is needed to afford that in a way that saved us money because they didn't have to go into a nursing home.

So this local assistance bill is seriously deficient.

Now, Mr. President, we're going to hear from the Majority in just a few minutes if not on the floor in a press release or press conference if it's not happening already, that the Senate has completed work on the budget. The Senate has completed work on the budget and we're going home for the week end, and I guess we'll be on call, whatever that means.

I know the Assembly will remain in session dealing with amendments to budget bills, dealing with budget bills throughout the week end. For the Senate -- for the Majority of this house to say, We're finished with the bud

get because we passed the five main expenditure bills and their version of tax cuts for the rich a few weeks ago, ignores an important fact. There are literally dozens, some 90 language bills, so-called Article 7 bills, that tell the public exactly where some of this money will be spent; and until we've adopted that, we can't tell where some of these lump sums will end up. For example, the Majority in this bill before us throws out a lump sum for Medicaid. They don't say whether it will go to save some of our hospitals which are in danger of ceasing to provide quality medical care, not just for poor people, for all of their clients, for people with health insurance, for wealthy people because, when a hospital cuts 20 percent of its budget, 20 percent of its personnel, everyone who depends on that hospital, if it stays open, will suffer a diminution of services. They don't tell us that. Those kinds of things come in those Article 7 bills.

They also ignore probably the most important thing to conservatives like me.

They ignore the fact that a budget must be balanced. A budget must be balanced. To say we passed the big bills, spending billions, and not show us, not in that, not in that, even in this house the revenue measures that go along with it, is irresponsible.

By my rough count, this budget to date in this house leaving aside the "pork" that will provide sausage for the entire state and the business tax cuts that will balloon and cause future deficits, which I saw in a press release on a bill yesterday to which the Governor, even the Governor hadn't agreed, leaving that aside, what the Majority here calls the budget is not balanced. It's off literally by roughly a billion and a half.

For example, Senator Bruno has said that in this budget he is -- the Majority is spending $499 million in additional funds as agreed with the Governor. In addition to what? In addition to the revenues the Governor has proposed, so the bills you've enacted so far subsume and assume that you will receive

revenues from things like Keno, Quick Draw -- I look around to see if Senator Padavan is here. I guess you're going to use that $110 million in Keno. If you're not, your budget is out of balance even with the $499 -- million dollars in magic money the Governor agreed to, your budget is out of balance by $110 million because you haven't enacted one way or the other the necessary legislation to authorize Keno.

Your budget assumes that you're raiding our retirees' pension funds for $110 million. It does; it assumes that. You haven't enacted the Article 7 bill that would do that and until you do that, your budget is not in balance by an additional 110 million.

Here is a list here of one shots, revenues, totalling nearly a billion dollars which you have not yet adopted by passing legislation, and the way I was told a budget works, you spend money, you adopt available revenue measures, you put it together. It's supposed to balance, although the history of this state isn't great at that, but it's

supposed to balance, at least in theory, and then you have a budget, but to leave here tonight and say the Senate has completed work on the budget when, in fact, the measures you have adopted, if you go no further and I don't think you'll go any further before the end of the fiscal year which ends at midnight tonight, will be out of balance by more than a billion dollars so you will now -- you will have the proud accomplishment by the end of the fiscal year of having adopted a budgeted with in excess of a billion dollar deficit. Some change for New Yorkers.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Bruno to conclude debate for the Majority.

SENATOR BRUNO: Thank you, Mr. President.

Mr. President, we have passed a budget. I'm glad that the Minority Leader recognizes that we in the Senate have at this hour, in broad daylight, passed a budget in agreement with this Governor, which would be a

tribute to the Legislature and the people in this state, with only one shortcoming.

There is no Democrat alternative. There is no Democrat budget. All we hear is rhetoric from my colleague on this side of the aisle and from the Speaker in the other house; conversation, political posturing, supposition, but no action. Senators, it's time for action.

The Speaker of the Assembly told the people of this state last week that he would pass a budget by March 31st. Senator Connors, where's that budget? Did they pass a budget? Why aren't you asking the Speaker of the Assembly, your colleague why he didn't do what he promised the people of this state?

I'll tell you why: Because he and you and others like you are committed to the failed policies of the Cuomo administration that were voted out of office for good reason. The failed policies of the Cuomo administration are what you advocate and the Speaker advocates and that's why you can't do a budget, and if he

could have done a budget, he would have passed a budget, but when he surfaces $2 billion in increased spending, he knows that the conservative Democrats upstate, the real conservative Democrats, are vulnerable. They can't vote for a budget that advocates the failed policies of the Cuomo administration that the liberals insist will continue in this state.

They will not continue. This Governor recognizes his mandate. We are partners with this Governor in changing the direction of this state from the failed policies of the past to a bright future for all the people in this state.

So when you want to posture and you want to pretend, be my guest. The time for talking is over. The time for action is now. Between now and midnight, if the Assembly wants to work, they could pass this budget and we'd have a budget by April 1st. We would have a budget that would become law here in this state by April 1st.

What's the answer? My colleagues on the Democrat side of the aisle say, Let's nitpick what you did. Where are your Article 7 bills? We'd like to see your Article 7 bills. Do you know why they want to see the Article 7 bills? So that Speaker and they can continue to posture about what we restored versus what they think they should restore.

You want to restore, and I want to say this for the public record, about 1 billion in welfare restorations in this state and social service restorations. Think about it. About a billion two hundred million is what they'd like to restore. You want to talk about what that would do to the people of this state? Think about it.

Senators, think about what you are doing to your constituency when you advocate and support these failed policies. Stop posturing. Stop pretending. Take some action. You've all got a lot of words. Take some action. You should be over in the other chamber encouraging the Speaker to do a budget for the

people of this state. They deserve better than they're getting.

I'm proud of my colleagues, and I thank you for your support, proud of you. You stayed here. You sat here, you stood up when you had to. You let the people of this state understand what we stand for, and that's changing the direction of government in this state and walking away from the failed policies of the Cuomo administration that the Democrats still embrace in this state, and until they understand that we and this Governor are not going to continue, we won't have a budget.

So I would invite the Speaker to let the people of this state know where the Democrats stand. He says he's going to do a budget this week end. Guess what? Mr. President, we have done our work in this house. We are going home while the Assembly fiddles with our budget bills that we will send over to them, and they can posture and they can pretend and I hope and pray that they take some action and put before the public budget bills that they

will vote for and, when they do that, the Speaker wants a Conference Committee, we'll have Conference Committees if that's what he would like, but first you have to pass a bill before you can conference anything.

So we can't continue to posture. We can't do conference committees because we don't have bills passed in the other house.

Now, the Speaker left the meeting with the leaders and said, "I'm going back. We're going to work through the week end. We're going to pass budget bills." Well, I would like to applaud the Speaker. He's a week late, but better late than never. So when he finishes those bills, ladies and gentlemen, we will be back here on Monday. We will be on call in the interim. We will be studying and reviewing with our constituencies what we already know what they believe in which is what we believe in, and we'll be back here ready to continue the people's work.

And again, Mr. President, we have passed a budget on March 31st that the Governor

agrees with us is the direction that this government should take the people of this state.

I'm proud to be able to support that budget, and I will look forward to the Assembly staying in session because they couldn't get their work done during the normal session days and passing budget bills, and I hope when we come back on Monday, that they will have passed budget bills that we can then take up, and I can assure you that we will be open and we will be responsive to move the business of the people forward in this state.

Mr. President, I thank you.

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR PATERSON: Slow roll call.

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

ACTING PRESIDENT KUHL: Are there five members standing? Yes, there are. Secretary will call the roll slowly.

SENATOR SMITH: Ring the bell.

THE SECRETARY: Senator Abate.

SENATOR ABATE: Explain my vote.

ACTING PRESIDENT KUHL: Senator Abate to explain her vote.

SENATOR ABATE: I vote no.

More important than a budget on time, we need a responsible budget that is fiscally sound and responsible to all, and I underscore "all" the people of this great state. Because this budget is not responsible and not responsive, I vote no.

ACTING PRESIDENT KUHL: Senator Abate in the negative.

THE SECRETARY: Senator Babbush excused.

Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: Explain my vote.

ACTING PRESIDENT KUHL: Senator Connor to explain his vote.

SENATOR CONNOR: Thank you, Mr. President.

I'm voting no, Mr. President, but the work of this Senate isn't finished. This isn't a budget. It's not a budget when there's over a billion dollar hole in it, and I'm surprised that my Republican colleagues in this Senate don't understand that, but maybe they'll address it next week after a week end off.

The fact of the matter is I've heard assertions here. I've been to leaders' meetings. I've never heard the Speaker ask for $2 billion or $1 billion in additional spending. I've watched the Senate and the Governor negotiate against themselves as they went from 335 -- 335 million to 499 million to an one-house Republican pork barrel bill that increases the state's debt.

Frankly, Mr. President, there's a lot of posturing here. This budget -- the work of this budget is not done until there are tax cuts for the middle class and not the rich, until tuition at SUNY and CUNY is kept

affordable for middle class parents, until our elderly who need home health care and quality medical care for all of our citizens is addressed. This so-called budget doesn't do it despite it's more than $1 billion deficit.

ACTING PRESIDENT KUHL: Senator Connor in the negative.

THE SECRETARY: Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Explain my vote.

ACTING PRESIDENT KUHL: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: I have - this is my third year in the Senate, and probably the time that I've felt the most proud is a few minutes ago when Senator Bruno outlined in great detail what the whole objective of this process is, to change the direction of the state and he accurately outlined the differences between the two sides of this aisle and the two

houses of this state.

I was over at the Assembly earlier today, and they were debating bills on the Motor Vehicle and Traffic Law, absolutely outrageous on March 31, 1995.

Senator Connor said it isn't a budget that Senator -- that Speaker Silver didn't say anything about additional spending. Well, what did he say? What is he saying? Where is it? Where is the alternative? Where is the option? Where is the passed budget bills? Where is one budget bill that's passed? Where is one amendment to any budget bill that's even before that house with a vote?

Posturing is all it is. It's simply posturing. We have passed a budget. We've laid our cards on the table in the public. Let's give us the alternative. We'll be here working for the final budget to be passed, but we need that alternative.

I'm proud to be on this side of the aisle, and I'm proud that we completed our work in time, in the daylight, no overnight

sessions, and we're ready to go home waiting for the Assembly to take their first step this week end. Yes.

ACTING PRESIDENT KUHL: Senator DeFrancisco in the affirmative.

THE SECRETARY: Senator DiCarlo.

ACTING PRESIDENT KUHL: Senator DiCarlo to explain his vote.

SENATOR DiCARLO: Thank you, Mr. President.

I, too, am proud along with Senator DeFrancisco about passing this budget. Just two quick points I'd like to make. I've been listening to debate in this chamber all this week on budget bills and I, for one, am sick and tired of hearing about this budget bill being anti-middle class.

I think it's outrageous to have to listen to that and I think everyone in this state who works and pays taxes knows it's this budget that is for the middle class and the working people in this state and it's outrageous for others to say anything else.

As chairman of the Aging Committee, I find something else even more out rageous, and that is what's gone on in this state these past six weeks and the scare tactics that have been put forward to our most vulnerable citizens, the senior citizens of the state of New York. To scare those people is wrong; to scare those people is outrageous.

I'm very proud of the fact this budget reinstates the money, takes care of the seniors in this state and for anyone to say otherwise, they're lying.

I vote aye.

ACTING PRESIDENT KUHL: Senator DiCarlo in the affirmative.

THE SECRETARY: Senator Dollinger.

ACTING PRESIDENT KUHL: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: Mr. President, I guess I'm astounded by the discussion about posturing with all due respect to the Majority Leader and others who have stood

up. I guess I'm astounded that we're talking about posturing because I can't believe what went on this week.

You all remember what happened Wednesday. We approve a capital budget. This is the budget we're prepared to live by. This is, we're going to go forward, this is our budget. The ink isn't even dry on the budget and there's already a press release with all due respect, and I regret that he's left the room, from Senator DeFrancisco. And you know what the press release says? We're going to spend more money. We're going to go out and do stadiums. We're going to go out and restore all this money. It's not in our budget, but we're going to do it anyway. And you want me to believe that you're not posturing? Not posturing!

Senator Bruno, with all due respect, this budget approved by the Majority this week, clearly deserves an award. It's called the Pulitzer Prize for fiction because it's not real. You know it's not real. I know it's not real. I know that there's a charade

going on in this state and I know what you're doing, Senator Bruno.

You talk about Democrats upstate. I know what you're doing. You're propping up a Governor who's plummeting in the polls. Why is he? Because, as Senator Connor said, we have a fight here over the middle class, and with all due respect to Senator DiCarlo and Senator DeFrancisco, if you don't know how this budget affects the middle class, talk to the people who provide care to our people who are mentally ill; talk to the hospital workers, talk to the administrators, talk to the people in education, talk to the people who are providing employment, talk to the people about Medicaid cuts, talk to them about increases in SUNY tuition. Talk to them about rising property taxes because you're cutting and breaching the social contract to keep their property taxes lower by using broad-based taxes.

That's what it does to the middle class. It's simple. We've spent the whole week

posturing, and for anybody to stand over there and say that this is the reality that you're prepared to live by, when everybody in this room knows that in the closed doors you're asking for more spending is nonsense. This is a postured document. It's all a political charade to protect the man on the second floor. We'll find out what his mandate is. Look at the polls, you might come to a different conclusion.

ACTING PRESIDENT KUHL: Senator Dollinger, how do you vote?

SENATOR DOLLINGER: Mr. President, I will be voting no.

ACTING PRESIDENT KUHL: Senator Dollinger in the negative.

THE SECRETARY: Senator Espada excused.

Senator Farley.

ACTING PRESIDENT KUHL: Senator Farley to explain his vote.

SENATOR FARLEY: You can go home in a minute.

Let me just say I never thought

I'd see the day that everything started on time in this chamber and I was beginning to doubt whether we would ever pass a budget on time, but I'll tell you what, I'm very proud of this side of the aisle. I'm proud of my Majority Leader, what Senator Bruno said.

We have done a budget. It's a real budget. Senator Dollinger, we have addressed many of the inequities and things that were happening within this budget. It's a changed budget, but let me say, I don't know if you know it, but there was a 4-, $5 billion deficit, probably the most difficult budget that I've ever had to address or work on or to vote for, but we've done it. We've done it on time. This is a budget to be signed.

The Assembly should be ashamed of themselves what they -- what they haven't done. They haven't worked on this budget at all. Talk about -- how can you say that we're posturing because that's all that's happened over there.

I vote aye.

ACTING PRESIDENT KUHL: Senator

Farley in the affirmative.

THE SECRETARY: Senator Galiber recorded in the negative earlier today.

Senator Gold recorded in the negative earlier today.

Senator Gonzalez.

(There was no response.)

Senator Goodman recorded in the affirmative earlier today.

Senator Hannon.

(There was no response.)

Senator Hoblock.

ACTING PRESIDENT KUHL: Senator Hoblock to explain his vote.

SENATOR HOBLOCK: Thank you, Mr. President.

You know, I think it's kind of like deja vu all over again. I spent seven years in the other house, and I took a ten-year hiatus and went to local government, and I'm back now in the state Legislature.

You know, one of the reasons I came back here was in an effort to take away

some of the pain that's been put on local government in the last ten years, plus I hear about the transfer of what we're doing to the local property taxpayer.

Well, let me tell you something. Where the heck do you think the property taxes are in this state now compared to where they were 10, 12 years ago? And that's as a result of spending more money. I have to tell you, spending more money is not the answer. Every time you spend it here, we got to spend more at the local level.

Now, we're trying to take a little different switch, and all of a sudden everybody is up in arms. The whole society is going to be devastated, but yet you know we're going to be spending $63 billion in this state, $63 billion. That's devastation.

Well, let me tell you things have changed, and we've got to do things a little differently. Don't let them go back and tell your local property taxpayers that this budget is going to force an increase in local property

taxes. They've gone so high now, I'm not sure they could go any higher, and that's as a result of what's happened here over the past 10 to 15 years. We can't take it any more.

And as far as the posturing, yeah, we can continue to point fingers, but I have to repeat what everyone else is saying. Why can't we have an alternative? Where is it? Is there some room? We continue to negotiate against ourselves. I'd like to negotiate a peace, but there is no peace because no one else is at that table.

I applaud this side of the aisle for taking a courageous stand and doing what we're doing on time. If it's not real, then it's up to the other side in the Assembly to make it real.

I vote in the affirmative, Mr. President.

ACTING PRESIDENT KUHL: Senator Hoblock in the affirmative.

Senator Hoffmann recorded in the negative earlier today.

Senator Holland.

SENATOR HOLLAND: Aye.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Mr. President, I'd like to explain my vote.

ACTING PRESIDENT KUHL: Senator Johnson to explain his vote.

SENATOR JOHNSON: Mr. President, it's amazing to me that I have to make this observation, but I think it's true that the other side of the aisle doesn't know that things have changed since the last election. They don't know, on the national level, the local level and the state level, everyone has said no more taxes, cut taxes; no more mandates, cut mandates. The people want this done.

Now, there are -- there are groups out there, the beneficiaries of the largesse which we distribute from one class of our citizens to another, and they would like more, but the people from whom we're extracting the money do not want to pay any more.

The simple message people have to

keep more of their own money, take care of themselves, their families, and do a much better job personally of regulating their own lives, depend less on government. There's a nationwide movement, it's not just confined to this state, but the other side of the aisle never heard about it yet.

They don't know we have a new governor responding to the people's voice which has been expressing rage and frustration for the past half dozen years. I would say, Mr. President, that I'm not much of a politician. I don't know how politics work, but I know how people work, and people tell me cut my taxes, relieve the burdens, relieve the burden on my town, relieve the burden on my county, give us some breathing room, let us stay here, let us keep our money, let us invest our money, let us grow and let us prosper; and that's what this state can do with the proper budget.

I'm only leading to one point. Senator Bruno said it. Shelly Silver, and your guys, pass this budget. Let's have a budget on

time. Turn this state around. Let's revital ize, rejuvenate our economy and our society.

I for one, would vote many times if I could, but I can only vote once and in this case, I'd like to vote aye on this budget.

ACTING PRESIDENT KUHL: Senator Johnson in the affirmative.

THE SECRETARY: Senator Jones.

ACTING PRESIDENT KUHL: Senator Jones to explain her vote.

SENATOR JONES: To explain my vote.

I probably, you know, very often present a different perspective than many people here. I didn't come here this year thinking that things were going to be worse. I was prepared to join you on a lot of things. You saw me raise my hand when it came to your welfare reform. I raised my hand last year on all the tax cuts when my partner here was telling me, be careful of the emperor with no clothes.

I looked at the budget this year

and certainly I'm not going to stand here and tell you I thought the Governor's budget was great because many things in it were things that I cared about, but I can tell you honestly on this floor not one person came to see me this year that I said to them, You're going to get your money back or I'm even interested in trying to get your money back. There's nobody that I wasn't honest with.

I wanted reprioritizing; I knew things were going to be tough, and I knew you had to make cuts. And let me tell you something, I was with you; I understood it until today when, after we've cut all these things, after we've done all these terrible things -- I felt crushed on Wednesday when I heard Rochester wasn't going to get its stadium, and today I go to the Finance Committee and I get this grand bill that's going to cut every single business tax that you had mistakenly, I say, and I understand it was a mistake, I wasn't here so - mistakenly put on business for the last 20 years and besides that, we're going to have some kind

of athletic events from here to Long Island to Buffalo and back, all at government expense.

I have to tell you, the credibility went down the drain with me at that point. That, I was told, is a hundred million dollars. If we have that, then I think we ought to be looking at some of the other things that we've done that we all know aren't real today.

So I'm still open to see something else. I'm still open to reprior itizing. I appreciate some of the things you put back, and I support them, and I hope some time -- and I'm not laying a finger of blame. I agree with you, negotiations take everybody, but I'm hoping I can come back on Monday and we'll do something real because, frankly, I'm tired, as I'm sure many others are, of spending three days doing something that we knew was an exercise in futility.

ACTING PRESIDENT KUHL: Senator Jones in the negative.

THE SECRETARY: Senator Kruger voting in the negative earlier today.

Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack voting in the affirmative earlier today.

Senator Larkin.

SENATOR LARKIN: Mr. President, to explain my vote.

We sat around here since January talking about a new budget, the new way of doing business in this state. We heard a lot of talk on the other side of the aisle in the other house about how they wanted to be a partnership for the people of the state of New York.

On the 1st of February, instead of sitting down and listening to the Governor present his budget, we heard such stupid comments as, "I don't have a budget, I don't have a seat." That's the reason we're here today.

This is not about a budget. This is about an unhappy group of people who lost the second floor and have an attitude, We want to do it like we've done before. We're not going to

do it like you did before. That's why we lost jobs. That's why business moved. That's why people complain today.

And what do we hear? "Oh, you're raisin' taxes. You're going to cut out schools; you're going to cut out this." Well, maybe some of you who are complainin' ought to talk to your people, maybe you ought to go home and talk to your people and they should do it in the other house. I received 25 calls since last night; 20 of them said, "The mistake you're makin' is you should go back and pass the budget that the Governor gave you on the 1st of February."

And we're talkin' about SUNY. We're adding money to SUNY; we're putting things back. That doesn't please the other house. It doesn't please, because you want to spend, spend, spend.

There was a message on November the 8th; and what did it say? Enough. Enough here, enough in other statehouses across the nation, and enough in Washington.

Ladies and gentlemen, you can't

stand here and say we haven't done our work. We have. You can't stand up here and tell us that the other house cares or that they're doing something because they haven't done anything. We can walk out of here tonight and say to our constituents, We fulfilled our constitutional responsibilities. We, at 12 minutes to 6:00, have completed the action where a little effort by your part to speak to your counterparts in the Assembly, maybe we could have reached an agreement. But losers in this battle are the people of the state of New York.

I vote yes.

ACTING PRESIDENT KUHL: Senator Larkin in the affirmative.

Senator LaValle.

SENATOR LAVALLE: Aye.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Aye.

THE SECRETARY: Senator Leichter voting in the negative earlier today.

Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marcellino.

ACTING PRESIDENT KUHL: Senator Marcellino to explain his vote.

SENATOR MARCELLINO: Mr. President, the conversation and the words about tax cut being gifts to the wealthiest, I just bring up a quote from a newspaper in my area, NEWSDAY. I don't often quote NEWSDAY and I apologize to the other Senators from Nassau and Suffolk for doing this. I know -- because I know I'm going to pay a heavy price on this one. But there was an editorial, and it quotes this: "A lot of distorting static crackled from both camps last night. Pataki's income tax is not a give away to the poorest -- to the rich as Democrats charge. It gives the poorest wage earners the biggest percentage of savings." That's from NEWSDAY.

I may have that enlarged and framed and put on the wall in my office. It's probably simply as an endorsement the best thing I've read in that paper in a long time.

I think we do -- that's another thing I have to apologize for; they endorsed my -- I think we do a disservice, quite frankly, when we try as the Speaker of the other chamber says, to make this a class war. We do this a disservice. We heard mention of the fact that the wealthiest people -- I've heard a number lot about income; people making a hundred thousand dollars a year are considered the wealthiest, and we all know that the way most people get that hundred thousand dollars is by having both members of the family working, perhaps even two and three members of the family working to reach that. That's the way it is in the majority of my district. This has some very wealthy people I represent, but I also have average wage earners and when you have both people working to achieve that, I don't consider that the most fantastic wealth.

I come from local government about two weeks ago. Local government is being buried. They're cutting taxes. They're cutting staff. They're cutting positions, and they're down to the bone, and what's coming down on them is the tax burden that this government of the last 20 years has been imposing: Unfunded mandates, over-regulation, driving business out of the area, driving business and jobs out of the state.

That has to stop. That's not class warfare, not warfare at all. We're all the same class. We all work for our money, and I think we'd all like to keep some of it and we'd like to be able to spend it on what we need.

I vote aye.

ACTING PRESIDENT KUHL: Senator Marcellino in the affirmative.

THE SECRETARY: Senator Marchi.

ACTING PRESIDENT KUHL: Senator Marchi to explain his vote.

SENATOR MARCHI: Yes, Mr.

President.

I'd like to address the institutional factors that are involved here tonight. I believe that Senator Bruno and my colleagues have, in various ways, pointed the wisdom of our response to the challenge that we face.

But I'm not sure that you should feel that profound sense of embarrassment that my colleagues have called for because you've had an opportunity to stand up and to disagree, to criticize, to submit amendments; in other words, to do your job in terms of the responsibilities you carry, and you wouldn't have had that opportunity had it not been for Senator Bruno and his leadership.

We were doing the things that we had to do this week. How can we, in the name of heaven, just fold our arms akimbo, Monday, Tuesday, Wednesday, Thursday, Friday, without doing a damned thing? That's terrible. That is awful. If you had been over there on the other side, you wouldn't have had an opportunity to

say anything.

Was there a need to say something? Do you realize that we may be paying a lot more money? How is our paper going to be graded? Are we going -- are we have going to be given the credit that we're entitled to by the steps we have taken? A lot depends if we can recapture something, but not all, because we've already been advised that there is a penalty to be paid by the delay.

The delay did not happen here. You've had an opportunity. I wouldn't be too embarrassed. You've done what you could and you've tried to represent how you felt. But thank Senator Bruno for that. Nobody can - nobody can thank Mr. Silver for anything over there. They're all going back in embarrassed silence because they didn't have the vehicle within which they could express either indignation or approval.

So let's get with it. Next week I hope that what has happened here today faces them with an awful responsibility. They've got

to face up to that responsibility. It's a goad and a spur. Otherwise, it will be a profession of bankruptcy, an inability to function, an admission that they are dysfunctional, and that is the only conclusion I can draw. Institution ally every single member here has made his or her contribution. Let them do the same.

I vote aye.

ACTING PRESIDENT KUHL: Senator Marchi in the affirmative.

THE SECRETARY: Senator Markowitz voting in the negative earlier today.

Senator Maziarz.

ACTING PRESIDENT KUHL: Senator Maziarz to explain his vote.

SENATOR MAZIARZ: Thank you. My late father would be proud of you that you pronounced my name right.

Mr. President, I rise for the first time in this chamber to say that I'm proud to vote in favor of this budget bill.

Less than two and a half weeks ago, other than my colleague Senator Marcellino,

I faced the voters in the 61st District. The 61st District is a hundred miles in length. Mr. President, when I traveled those hundred miles almost every day talking to the people, real people -- farmers, businessmen, factory workers, they said the same recurrent common themes.

They wanted the state of New York to spend less, to tax less, to reform the welfare system which has proven it's not working. They wanted crime control.

One of my colleagues on the other side mentioned about polls and the Governor. Three weeks ago, about four days before my election, my campaign consultant came to me and told me that we were ten points down in the poll. Scared the heck out of me. We made a critical decision four days before that election. We were going to go on the air, we were going to go in the newspapers, and we were going to go on the radio and we were going to tell the voters of the 61st District that we supported George Pataki's program for change in the state of New York, that on November the 8th,

the people of this state voted for drastic change from the last 20 years. We said that it would be ridiculous to vote for the Governor and then put somebody in the Senate who is going to vote against his program.

I'm proud to vote yes on this budget amendment. I'm proud of this side of the aisle. I'm proud of our leader, Joe Bruno, and I'm proud to be a part of this historic moment when the state of New York is going to change its direction after the failed policies of the last 20 years.

Thank you.

ACTING PRESIDENT KUHL: Senator Maziarz in the affirmative.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: No.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Nanula voting in the negative earlier today.

Senator Nozzolio.

ACTING PRESIDENT KUHL: Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, my colleagues, much has been said by the members of this body pro and con relative to these budget deliberations. I thought it important for us to know what some others are saying, and I have in my hand a letter from Mr. George Fisher, the President and Chief Executive Officer of Kodak, not only the largest employer in our region, but one of the largest manufacturers in New York State, if not the largest.

Mr. Fisher says that -- in part, "The tax and regulatory climate in New York has put Kodak at a distinct competitive disadvan tage. Some argue that the Governor's cuts are too deep. In business, when we evaluate options we rely heavily on benchmarks and trend lines, and the benchmarks for New York are not pretty. Of the ten largest states, state and local governments in New York spend more and tax more

than any other. The case based on trend lines is no less compelling. In the last dozen years, the state has lost one quarter of its once proud manufacturing base and more than one million people have moved elsewhere. While the rest of the country has been adding jobs, New York has continued to lose them."

"Some argue that when business make investments and location decisions, the state's tax and regulatory policies are not a major consideration. Don't you believe it. If New York does not get its fiscal house in order, the exodus of investment and jobs will accelerate. Governor Pataki's budget may not win him popularity contests, but it is a courageous step toward making New York work again. Sincerely, George Fisher, Chief Executive Officer, Kodak."

My colleagues, I think that sums it up. We are here to make New York work again. Those tens of thousands of people who rely on economic opportunity in this state count on us, and those economic opportunities that

have left New York, these policies of the past have been responsible for. It's time to reverse the trend.

That's why, Mr. President, I support this measure. I vote aye on this budget.

ACTING PRESIDENT KUHL: Senator Nozzolio in the affirmative.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: No.

THE SECRETARY: Senator Oppenheimer excused.

Senator Padavan voting in the affirmative earlier today.

Senator Paterson.

ACTING PRESIDENT KUHL: Senator Paterson to explain his vote.

SENATOR PATERSON: Mr. President, I think we can forgive the Governor for offering a 25 percent tax cut over a four-year plan. The Governor campaigned on that philosophy last year, and all of us in this chamber have campaigned with an ideal, something that we

would like to bring back to the voters in terms of a real -- a real tax cut or something that we might try to deliver.

We have a $4.3 billion deficit in this state, and this deficit is one that we all share in. Unfortunately, it appears that the budget that is written is disproportional in its attempt to ask New Yorkers to share. The Republican Majority of this house has gone ahead and passed their version of what a budget should look like. It spends more money than the Governor right now agrees is available to spend, but it may be closer to the amount of money that inevitably is spent when the budget process is agreed on, and so I actually think that it was some foresight that the Majority would pass a budget so it's on record how the Majority feels on this particular issue.

But to state that we have fulfilled our constitutional mandate belies what actually is going on in this particular process. There must be an agreement, and an agreement doesn't mean that you tell the other

side to go in and vote your way. An agreement doesn't mean that you withhold the salaries of individuals who don't even vote on the budget who happen to be staff members. An agreement does not mean that you rail publicly and present a lot of sweet sounding very good smelling salvos that the New York State family has swallowed whole.

No one can blame them, but we are here to remind New York State residents, remind you of the terrible truth about this budget. The Governor says that there will be $1100 in savings, but what he didn't say is that that savings is divided over four years.

Only in this year, the additional resources that will have to be spent in terms of tuition increases, the additional resources that individuals will have to spend for adult home care for members of their families, the additional property taxes that people will have to pay and, if you don't think they're going to have to pay them, go to the neighboring state of New Jersey where the taxes on -- local taxes

have been raised to such an extent that no one in New Jersey has saved a dime since Governor Whitman has come into office, even though she has cut the taxes as she promised.

And so I think that now that there has been a proper presentation of every one's point of view, perhaps we can sit down and work out some sensible, achievable solutions in which there will be compromise on both sides, but it is only when we -- when we really fulfill our constitutional mandate, when we come to agreement, that I think we should get up and say that.

On this particular bill, Mr. President, I vote no.

ACTING PRESIDENT KUHL: Senator Paterson in the negative.

THE SECRETARY: Senator Present.

SENATOR PRESENT: Aye.

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Mr. President,

to explain my vote.

ACTING PRESIDENT KUHL: Senator Saland to explain his vote.

SENATOR SALAND: Mr. President, a bit earlier I listened to my colleague or one of my colleagues from across the aisle from Monroe County, give a rather impassioned denunciation of what has transpired here and in the course of his comments make reference to a Pulitzer Prize.

Now, I may not be as gifted as perhaps he, or as acquainted with all of the various and sundry types of awards associated with the arts, but I would suggest that he more appropriately at least for his theatrics, would be a candidate for an Oscar, and if we want to stay in that same mode, I would suggest that the Speaker is sort of the Phantom of the Opera here because the Speaker has just sort of been a spirit, a spirit that has present perhaps physically, but not in mind and certainly not in willingness to negotiate.

And is there anyone who can

negotiate in a vacuum? You have to have some give and take. Now, you can't talk to a wall. You can't talk to a phantom. You can't talk to a chair in which there's a presence that doesn't want to negotiate.

Our obligation was to get a budget by the 1st of April, and that's what we endeavored to do. The Governor basically said during the course of his campaign that we have to change the direction of New York. Is there anybody here who could disagree with what has occurred over the course of the past, I don't know how many years, the loss of jobs, the displacement of people, the fact that we've seen ourselves fall behind virtually every state in the Union in economic development and find ourselves unable to compete?

Our Governor said, "I'm going to change that." No one should be surprised. And that's what he's endeavored to do with this budget. You can't operate in a vacuum. We have driven this process. The Governor, the Majority Leader have driven the process, and the only

reason why the Assembly is even at this late date contemplating a budget after the 1st of April is simply because this Majority, working with the Governor, has forced them to do it or they'd still be sitting on their collective derrieres doing absolutely nothing.

Mr. President, I must tell you I agree wholeheartedly with Senator Paterson's comments that there must be an agreement but, in order for there to be an agreement, the Assembly has to be more than a mere presence at the table. They have to be willing to negotiate.

I vote aye, Mr. Speaker.

ACTING PRESIDENT KUHL: Senator Saland in the affirmative.

THE SECRETARY: Senator Santiago.

SENATOR SANTIAGO: No.

THE SECRETARY: Senator Sears voting in the affirmative earlier today.

Senator Seward.

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT KUHL: Senator

Seward to explain his vote.

SENATOR SEWARD: I rise to explain my vote.

I've been listening to the discussion very intently, not only this afternoon but all week on the various budget bails that we've been passing, and I've listened to the pros; I've listened to the cons and I've listened to the no votes across the aisle.

But let's get to the bottom line. It's March 31st. It's time to get to the bottom line. This house has moved forward. The bottom line is that we have passed a budget that holds down -- cuts spending in this state. We have passed a budget that cuts taxes. We've passed a budget that reforms welfare and we've passed a budget by April 1st.

Now, we've reworked the Governor's original proposal. That's our obligation. We've made some restorations -- in SUNY, other higher education programs, for the school districts, in health care, the hospitals, nursing homes, other health care areas. But

we've done so within the fiscal constraints that are the real world.

And what was our alternative this week? To sit around as the Assembly has done and wait for $2 billion to fall out of the sky from somewhere? That's ridiculous.

So, Mr. President, I'm voting yes on this budget bill, as I have the others this week, and I'm voting no against gridlock, further late budgets, fiscal gimmickry because that's what we'd have to do to fill that $2 billion hole that the Assembly is talking about and I'm voting no for higher taxes or deferring taxes, talking about deferring taxes as Senator Dollinger has suggested here tonight, and I'm voting yes for a budget that meets the needs of the people of this state in a responsible way. I'm voting yes for a budget that will get our economy going and create some jobs in New York State, and I'm voting yes for a budget on time.

ACTING PRESIDENT KUHL: Senator Seward in the affirmative.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Mr. President, to explain my vote.

ACTING PRESIDENT KUHL: Senator Skelos to explain his vote.

SENATOR SKELOS: I have seen a couple of my colleagues with whom I served in the Assembly together get up and say "Mr. Speaker." I don't have those same psychological scars, because I only had the opportunity to serve two years in the Assembly, thank God.

But I do want to rise and start off by congratulating our Governor for being a leader and presenting a budget that made the difficult decisions and established parameters that this state needs to grow and prosper in the future.

I want to congratulate our leader, Joe Bruno, for putting together a budget with certain restorations, additional tax cuts that will be good for the people of the state of New York, and for making a difficult decision. We sat here today, and I guess it's your job as the Minority to hand up amendment after

amendment after amendment, and we took the shots, but this is a budget that we can go home and defend and be proud of with our constituents who told us to do this, this past November 8th.

Senator Marcellino, you mentioned NEWSDAY, and, boy I get nervous when I have to follow another Nassau Republican and quote from NEWSDAY. But they said not only what you mentioned about the tax cuts, they said, "But now it's time for Assembly Democrats to do more than just say no. Still unless Democrats are willing to show more details of their proposals, whatever they may be, there is no way for negotiations to move forward."

And as to the Speaker, they mention he must lay some cards on the table. "What cuts are the Democrats willing to make? What is their budget? He must lay his cards on the table, and you can't get a budget by playing solitaire with yourself."

So, Joe, congratulations on being the leader that you are. Ronnie, you did a great job as our Finance chairman; our staff.

This is a budget that we as a Majority can be proud of and, God willing, this week end, although my guess is there will note be one vote in the Assembly this week end by the Assembly in terms of a budget because they don't know how they want to cut, how they want to spend. Quite honestly, I don't think they know what they want to do.

So we are proud as a Republican Majority with this document and, hopefully, the Assembly will wake up, join the Governor, join Senator Bruno, and we will have a budget within the next several days.

I vote aye.

ACTING PRESIDENT KUHL: Senator Skelos in the affirmative.

THE SECRETARY: Senator Smith.

ACTING PRESIDENT KUHL: Senator Smith to explain her vote.

SENATOR SMITH: Thank you, Mr. President.

As I sat here, I somehow thought that the clock had raced forward at least six

hours and it was now April Fools' Day because all I've heard today is a bunch of fairy tales.

I've heard my colleagues spewing all about the "Ps", failed policies, posturing, profiling, politics as usual. But I think the politics as usual has come from the other side of the aisle, and I'd like to add a few more "Ps" for them like prevarication and prostituting their credibility and pilfering from the taxpayers and giving us a budget of pure phoniness.

I vote no.

ACTING PRESIDENT KUHL: Senator Smith in the negative.

THE SECRETARY: Senator Solomon voting in the negative earlier today.

Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: No.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT KUHL: Senator Stafford to explain his vote.

SENATOR STAFFORD: I, too, want to congratulate the Majority Leader, the Governor, and I would say that it's too bad, but what Churchill said after the battle of El Alamein is rather appropriate here tonight, and what he said -- and you remember this was one of the great battles -- he said, "This is not the end. It's not the beginning of the end, but it's the end of the beginning."

If our Majority Leader had had cooperation and the Governor had had cooperation we would have the end here. But whether anyone likes it or not, and those who are not cooperating, it's the end of the beginning and the system is going on and people are going to realize what has been done here.

I want to thank all the staff people who have worked night and day 3:00, 4:00 in the morning getting bills out so that we

could vote on them, all of the staff, affiliated here with the Senate and in the executive branch. It just didn't happen and, if anyone thinks that this wasn't for real, they just had to be around here at 2:00 or 3:00 in the morning seeing that people were putting a real package together.

And I finally say that, you know, I'm reminded -- and I know this is a little com plicated for us up in the North Country, but I'm reminded about the little fellow that kept hitting himself on the head with the hammer because he felt so good when he stopped.

And you almost -- you almost think that this is what's happening here today, so we hope that we'll stop hitting ourselves with a hammer, get down to work and, Mr. President, I vote aye.

ACTING PRESIDENT KUHL: Senator Stafford in the affirmative.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: I do not wish

to raise a hammer.

ACTING PRESIDENT KUHL: Senator Stavisky to explain his vote.

SENATOR STAVISKY: I simply want to raise consciousness. It's been a long week, a long day, a long session. We're commiserating with each other at this stage, but I've got to say you've done your welfare reform. You've given the tax breaks to those chief executives who are laying off their employees in the private sector, and they're doing very well. You're giving the tax relief to those who have "golden parachutes". If they're laid off, they get a bundle of money even if their corporations haven't done well and if their employees have been put out to pasture.

You've done that. You've been encaptured by CHANGE New York, and unless somebody is prepared to dance to that tune of CHANGE New York and forget about the tradition of some wonderful Republican leaders in New York, Nelson Rockefeller and Tom Dewey and Louis Lefkowitz and Jake Javits, unless the

individuals running for office today are willing to put aside that brand of Republican enlightenment, they don't stand a chance.

I urge you there's a balance between being an ultra right wing reactionary, which is what CHANGE New York insists upon getting for its support, and doing something that is more balanced. We are not in the state of Nebraska where everybody is called a Senator and there's a Governor and there is no other chamber.

Legislation is best introduced and enacted into law when there is give and take between two houses, and then and only then it goes to the Governor, and that's the way it is in New York State. We are not in the state of Nebraska. We have to be mindful of people who may not be as fortunate as we are and who need the help of government.

Government came into existence to provide services that the people individually might not be able to do for themselves and if we find ourselves at the end of the process saying

we have done well for all New Yorkers including those who don't have the resources to pay for things all by themselves, then and only then will we have a fair budget.

I want this to be a bipartisan budget. I commiserated with Senator Velella when he said, "Mr. Speaker." Lot of people have been beating up on the Speaker, but I notice an absence on the Chair. I think Randy Kuhl does a marvelous job. Why do we need a Lt. Governor? I haven't seen a Lt. Governor in recent weeks or maybe longer. Do we need a "Wanted" poster? "Missing in Action?" Maybe that's a way to save money that you ought to consider but, in the end, in the absence of the regularly elected Lt. Governor, I think Randy Kuhl has done a marvelous job, and we should commend him for his leadership and his fairness.

(Applause).

ACTING PRESIDENT KUHL: Senator Stavisky, how do you -

SENATOR STAVISKY: I vote no.

ACTING PRESIDENT KUHL: Senator

Stavisky in the negative. I was going to give you another five minutes, Senator Stavisky, but -

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Aye.

THE SECRETARY: Senator Tully.

ACTING PRESIDENT KUHL: Senator Tully to explain his vote.

SENATOR TULLY: Yes, Mr. President, to explain my vote.

I would hope that Senator Stavisky gets a copy of that NEWSDAY editorial that Senator Marcellino talked about, where it does not say that the CEOs of this state are getting the tax break, rather that the people who really deserve it are getting the tax break under this bill that's been advanced by our Governor and completed by this house with the guidance of our great leader, Joe Bruno, and I'm very hopeful, in the interest of my taxpayers and those we all represent, and the abysmal credit rating of this state, that Speaker Silver who I think is probably the greatest argument

for a unicameral Legislature that I've ever heard to date, I'm hopeful that he reduces his $1 billion spending demand and returns to negotiations with a realistic approach.

I'd like to compliment our Majority Leader, Joe Bruno, for bringing a businessman's approach to Albany, for completing a budget on time, in the light of day with no all night sessions, and a budget that spends less than the year before for the first time in over 50 years. Many years ago, Joe, there was a little kid, after a baseball scandal that said as he looked at one of the players, "Say it isn't so, Joe. Say it isn't so."

Well, you must be doing something right, Joe, because I am advised and I can announce that the baseball strike was settled today and that you brought a budget in on time for the first time in over 50 years, so we're not saying, "Say it isn't so, Joe;" we're saying, "Let's go with Joe."

Thank you very much. I vote aye.

ACTING PRESIDENT KUHL: Senator Tully in the affirmative. The Secretary will continue to call the roll.

THE SECRETARY: Senator Velella.

ACTING PRESIDENT KUHL: Senator Velella to explain his vote.

SENATOR VELELLA: Mr. President, while we're handing out awards and complimenting each other, I'd like to compliment myself for withstanding the rigors of today. I didn't think I had the stamina any more to do that. But let me say -- I'll take the applause.

But let me say, Senator Stavisky, I appreciate your comments and your remarks about all those great Republicans. I assure you that not all great Republicans are dead (Applause). Take a look -- take a look at this side of the aisle. You've got the Republicans in their seats because they're concerned about what's going on in this state. Take a look at your own side of the aisle and how many of them are there at this late hour.

And let me say that I really

enjoyed the opportunity of passing a budget in daylight for a change because you see a lot of things that you tend to overlook, and what I saw between yesterday and today is $1 billion in amendments that you folks offered, $1 billion more in spending. You wanted to spend on everything you got a letter about. Anybody asked you to spend more money, you had an amendment for it. God bless you. You're going to answer for it, I guarantee you, we're keeping good records on that.

But I said, How are you going to pay for it? How are they going to pay? I never heard it from you, but we heard from the Speaker how are you going to pay for it. You know that group of people he was speaking about last night, the middle income people. His tax package takes a proposed tax rate of 7 percent on the middle income and he brings it up to three and three -- seven and three-quarters percent. That increase is to help pay for your billion dollars in spending.

And you know those 400,000 of the

lowest and poorest income earners, the lowest people in society that earn the least amount of money? We're taking them off the tax rolls. The Speaker wants to keep them on. That's how you're going to pay for your billion dollars. That's how you're going to keep your big spending, and you're going to have to account for it.

I vote aye.

ACTING PRESIDENT KUHL: Senator Velella in the affirmative.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon.

ACTING PRESIDENT KUHL: Senator Waldon to explain his vote.

SENATOR WALDON: Thank you very much, Mr. President, my colleagues.

A pall fell upon the Mudville of the north, Albany, and the mighty Casey in the personification of the Assembly, Senate and the and Governor struck out, and on the eve of April Fools' Day, tomfoolery or April foolery, if you

wish to characterize it as such was practiced, because we had a document but we did not have a budget. We made promises to the people but, if the truth be known, those promises have been unfulfilled.

We've spoken here about our desire to restore money, but if the truth be known, money beyond the original amount proposed by the Governor has already been proposed and restored by the Majority, and I assure you that when this final document is done -- and it will be done -- that amount of money will grow.

Those of us who are masters of words, and we are, we paint beautiful pictures. Sometimes the pictures are bleak. I think that today the picture is very bleak, because this picture did not take care of those who are least able to take care of themselves, the people who need HEOP and SEEK, the senior citizens who will suffer if we move forward as we're moving. And I think the reason that in this ballgame and those of us who played the game of baseball know that unless it's rained out or called because of

darkness, there are nine innings at least, and I think that Al Waldon knocked the mud out of his cleats and dug in deepest when he was sent a letter, and in that letter it said that the little receptionist who works for you in St. Albans, the clerk who makes $5,200, will not be paid because you, the Senator did not with your colleagues, pass a budget.

The beauty of what we do here is that this is a nine-inning game at least and somewhere, some time soon we will have a budget. Like when Gibson faced Koufax, this is a hell of a game that we're playing, and so I applaud, and this is from the heart, I applaud all of the participants because each of the 61 members in this room really believe that he's doing the best thing for his constituents and that's what it's all about.

So permit me to do the best for my constituents, because never in my years in the Assembly or in the Congress or here in this Senate have people come into my office and physically cried tears. Never has the post

office delivered to my office in St. Albans and in the Rockaways, not letters by the hundreds wrapped with twine but those post office sacks filled with mail, people concerned. Never has my phone been tied up complaining, moaning and groaning about this budget.

Some of you have advised on that side of the aisle that there were very positive calls to your offices about the budget. That wasn't the case in the 10th Senatorial District. They perceive this with much pain and suffering.

So some time next week hopefully or the week after, we will get to the ninth inning and we will have a budget, and the people of the state of New York will move forward. But until that time, until there's greater effort, until there's a sensitivity to the little people, until we stop feeding the rich with the poor, Al Waldon will have to vote in the no.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Senator

Waldon in the negative.

THE SECRETARY: Senator Wright.

ACTING PRESIDENT KUHL: Senator Wright to explain his vote.

SENATOR WRIGHT: Explain my vote.

One of his memories that I have of my first year in the Senate was a conference over the -- excuse me, over the issue of the then budget. Now, I remember John Marchi standing up in that conference and talking about the tradition of the Senate and how the Majority, the Republican Majority, in its tradition was to govern; and I stand here this afternoon pleased that I'm a member of this house, of this Majority and that we, in fact, have met our obligation to government.

Joe Bruno, under his leadership, Ron Stafford, we've advanced budget bills that have been negotiated with the Governor. As Minority members, you've had the opportunity to introduce amendments. We've all engaged in the debate. We have philosophical disagreements as

to what the right direction for this state is. We have differences in terms of our obligations to our constituencies, but nonetheless, we maintain the tradition of this house. We followed the process that is expected of us. We met those obligations. We debated. We voted on and we've achieved a budget.

I think that's an important step in terms of moving ahead. I think it's a step that's very consistent with what I've learned to be the tradition of this Senate, of this house and, as a result, I'm proud to be here in this house as part of the Majority moving ahead, making the process work for our constituents, meeting our obligations, meeting our responsibilities to the people of this state.

Mr. President, I vote aye.

ACTING PRESIDENT KUHL: Senator Wright in the affirmative.

Secretary will call the absentees.

THE SECRETARY: Senator Gonzalez.

(There was no response.)

Senator Hannon.

SENATOR HANNON: Yes.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 36, nays 21.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can you now at this time recognize Senator Saland.

ACTING PRESIDENT KUHL: Chair recognizes Senator Saland.

SENATOR SALAND: Thank you, Mr. President. On Supplemental Calendar Number 1, I offer the following amendments to Calendar Number 352, Senate Print Number 3595-A and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted, bill will retain its place on the Third Reading Calendar.

SENATOR BRUNO: Can we return to regular order, Mr. President, take up Calendar Number 354.

ACTING PRESIDENT KUHL: Secretary will take up Calendar Number 354.

Senator Bruno, there's a substitution at the desk. We'll ask that be read.

SENATOR BRUNO: Please, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 6498-A and substitute it for the identical Senate Bill 354.

ACTING PRESIDENT KUHL: Substitution is ordered. Senator Bruno.

SENATOR BRUNO: Is there a message of necessity at the desk, Mr. President?

ACTING PRESIDENT KUHL: Senator Bruno, I'm informed by the Secretary there is a message of necessity here.

SENATOR BRUNO: Can we vote on the message, Mr. President?

ACTING PRESIDENT KUHL: Motion of Senator Bruno to accept the message of necessity, all those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message of necessity is accepted.

Secretary will read the last section.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 354, by member of the Assembly Crowley, an act to amend the Racing, Pari-mutuel Wagering and Breeding Law in Chapter 281 of the Laws of 1994.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to the regular calendar and take up Calendar 349.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 349.

Senator Bruno, there's a substitution at the desk, if your pleasure is to substitute at this time.

SENATOR BRUNO: Please, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read the substitution.

THE SECRETARY: Senator Saland moves to discharge from the Committee on

Children and Families Assembly Bill Number 6744 A and substitute it for the identical Calendar Number 349.

ACTING PRESIDENT KUHL: Substitution is ordered.

Secretary will read.

THE SECRETARY: Calendar Number 349, by member of the Assembly Weinstein, an act to amend the Family Protection and Domestic Violence Intervention Act of 1994.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, is there a message from the Governor at the desk?

ACTING PRESIDENT KUHL: There is a message of necessity at the desk, Senator Bruno.

SENATOR BRUNO: Can we move its adoption at this time?

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Paterson.

SENATOR PATERSON: Mr. President, earlier today I laid aside Calendar 174 offered by Senator Skelos. His very able counsel has answered my questions on this particular bill. If you would like to bring the bill before the house at this time, I'm satisfied with the explanation.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: No objection.

ACTING PRESIDENT KUHL: No objection. Secretary will read Calendar Number 174.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 57. This act shall take effect on the 180th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, we do have some housekeeping, I think, at the desk if we could take care of that now.

SENATOR BRUNO: Can we do that, Mr. President?

ACTING PRESIDENT KUHL: Chair recognizes Senator Levy.

SENATOR LEVY: Yes. Mr. President, I'd like to remove the sponsor's star from Calendar Number 60.

ACTING PRESIDENT KUHL: Sponsor's star will be removed from Calendar Number 60.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Kuhl, please place a sponsor's star on Calendar Number 334.

ACTING PRESIDENT KUHL: Sponsor's star is placed on Calendar Number 334.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President. At this time we'd like to remind the members, Republican members, we'll have a conference at 2:00 p.m. on Monday, and, Mr. President, there being no further business to come before the Senate at this time, I move that we adjourn until Monday, April 3rd, and session at 3:00, intervening days to be legislative

days.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno.

There will be a 2:00 o'clock conference of the Majority in Room 332 on Monday, April 3rd. Also Senator Bruno wants the members to be reminded that all members are subject to call of the Majority Leader over the next two days. The Senate stands, without objection, adjourned until Monday, April 3rd at 3:00 p.m.

(Whereupon at 6:44 p.m., the Senate adjourned.)