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ALBANY, NEW YORK

April 5, 1995

11:01 a.m.

REGULAR SESSION

SENATOR JOHN A. DeFRANCISCO, Acting President

STEPHEN F. SLOAN, Secretary

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

2 ACTING PRESIDENT DeFRANCISCO:

3 The Senate will come to order.

4 All please rise and repeat with
5 me the Pledge of Allegiance to the Flag.6 (Whereupon, the Senate and those
7 present joined in the Pledge of Allegiance to
8 the Flag.)9 In the absence of clergy may we
10 please bow our heads in a moment of silence.11 (Whereupon, there was a moment of
12 silence.)

13 Reading of the Journal.

14 THE SECRETARY: In Senate,
15 Tuesday, April 4. The Senate met pursuant to
16 adjournment. Senator Kuhl in the chair. The
17 Journal of Monday, April 3, was read and
18 approved. On motion, Senate adjourned.

19 ACTING PRESIDENT DeFRANCISCO:

20 Without objection, the Journal stands approved
21 as read.

22 Presentation of petitions.

23 Messages from the Assembly.

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

6 Motions and resolutions.

7 Senator Farley.

8 SENATOR FARLEY: Thank you, Mr.
9 President. On behalf of Senator Padavan, on
10 page 20, I offer the following amendments to
11 Calendar 339, Senate Print 3089, and I ask that
12 this bill retain its place on the Third Reading
13 Calendar.

14 ACTING PRESIDENT DeFRANCISCO:
15 Amendments received.

16 Senator Bruno, we have some
17 substitutions at the desk.

18 SENATOR BRUNO: Mr. President.
19 Can we make the substitution, please?

20 ACTING PRESIDENT DeFRANCISCO:
21 Secretary will read.

22 THE SECRETARY: On page 6,
23 Senator Seward moves to discharge from the

1 Committee on Codes Assembly Bill 1541 and
2 substitute it for the identical Calendar Number
3 380.

4 THE SECRETARY: On page 7,
5 Senator Holland moves to discharge from the
6 Committee on Codes Assembly Bill 3039 and
7 substitute it for identical bill Calendar Number
8 382.

9 ACTING PRESIDENT DeFRANCISCO:
10 Substitutions ordered.

11 SENATOR BRUNO: Mr. President.
12 Can we, now, at this time take up the
13 noncontroversial calendar.

14 ACTING PRESIDENT DeFRANCISCO:
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 116, by Senator Spano, Senate Bill 1088A, an act
18 to amend the Penal Law, in relation to the crime
19 of criminal employment.

20 ACTING PRESIDENT DeFRANCISCO:
21 Read the last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the first day of

1 November.

2 ACTING PRESIDENT DeFRANCISCO:

3 Call the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 36.

6 ACTING PRESIDENT DeFRANCISCO:

7 The bill is passed.

8 THE SECRETARY: Calendar 190, by
9 Senator Velella, Senate Print 297, an act to
10 amend the Real Property Tax Law, in relation to
11 increasing the combined household income limit.

12 ACTING PRESIDENT DeFRANCISCO:

13 Read the last section.

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

16 ACTING PRESIDENT DeFRANCISCO:

17 Call the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 37.

20 ACTING PRESIDENT DeFRANCISCO:

21 The bill is passed.

22 THE SECRETARY: Calendar Number
23 239, by Senator DeFrancisco, Senate Bill 1971,

1 an act to amend the Criminal Procedure Law, in
2 relation to compliance with orders fixing bail.

3 ACTING PRESIDENT DeFRANCISCO:
4 Read the last section.

5 THE SECRETARY: Section 4. This
6 act shall take effect immediately.

7 ACTING PRESIDENT DeFRANCISCO:
8 Please call the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 37.

11 ACTING PRESIDENT DeFRANCISCO:
12 The bill is passed.

13 THE SECRETARY: Calendar Number
14 253, by Senator Seward, Senate Bill 1105, an act
15 to amend the Real Property Tax Law, in relation
16 to real property held in trust for certain
17 veterans.

18 ACTING PRESIDENT DeFRANCISCO:
19 Read the last section.

20 THE SECRETARY: Section 3. This
21 act shall take effect on the first day of
22 January.

23 ACTING PRESIDENT DeFRANCISCO:

1 Call the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 38.

4 ACTING PRESIDENT DeFRANCISCO:

5 The bill is passed.

6 THE SECRETARY: Calendar Number
7 264, by Senator Farley, Senate Print 2836, an
8 act to amend the Banking Law, in relation to
9 money transmitters.

10 ACTING PRESIDENT DeFRANCISCO:

11 Read the last section.

12 THE SECRETARY: Section 6. This
13 act shall take effect on the 90th day.

14 ACTING PRESIDENT DeFRANCISCO:

15 Please call the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 39.

18 ACTING PRESIDENT DeFRANCISCO:

19 The bill is passed.

20 THE SECRETARY: Calendar Number
21 265, by Senator Farley, Senate Print 3268, an
22 act to amend Chapter 720 of the Laws of 1976 and
23 403 of the Laws of 1982, amending the Banking

1 Law.

2 ACTING PRESIDENT DeFRANCISCO:

3 Read the last section.

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

6 ACTING PRESIDENT DeFRANCISCO:

7 Please call the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 39.

10 ACTING PRESIDENT DeFRANCISCO:

11 The bill is passed.

12 THE SECRETARY: Calendar Number
13 274, by Senator Hannon, Senate Print 2416A -

14 SENATOR PATERSON: Lay it aside.

15 THE SECRETARY: -- an act to
16 amend the General Municipal Law, Housing Law,
17 and State Finance Law.

18 ACTING PRESIDENT DeFRANCISCO:

19 Please lay the bill aside.

20 THE SECRETARY: Calendar Number
21 284, by Senator Rath, Senate Bill 2760, an act
22 to reopen the optional 20-year retirement plan.

23 ACTING PRESIDENT DeFRANCISCO:

1 There is a home rule message at the desk.

2 Please read the last section.

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

5 ACTING PRESIDENT DeFRANCISCO:
6 Call the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 41.

9 ACTING PRESIDENT DeFRANCISCO:
10 The bill is passed.

11 THE SECRETARY: Calendar Number
12 286, by Senator Trunzo, Senate Bill 2893, an act
13 to amend the Retirement and Social Security Law,
14 in relation to additional pension benefits.

15 ACTING PRESIDENT DeFRANCISCO:
16 Read the last section.

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

19 ACTING PRESIDENT DeFRANCISCO:
20 Call the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 42.

23 ACTING PRESIDENT DeFRANCISCO:

1 The bill is passed.

2 THE SECRETARY: Calendar Number
3 315, from the Committee on Rules, Senate Print
4 3955, an act to amend the Tax Law and the Public
5 Service Law.

6 SENATOR PATERSON: Lay it aside.

7 ACTING PRESIDENT DeFRANCISCO:
8 Lay the bill aside.

9 That completes the reading of the
10 noncontroversial calendar.

11 SENATOR BRUNO: Mr. President.
12 Can we at this time take up the controversial
13 calendar.

14 ACTING PRESIDENT DeFRANCISCO:
15 The Secretary will read.

16 THE SECRETARY: On page number
17 21, Calendar 274, by Senator Hannon, Senate
18 Print 2416A, an act to amend the General
19 Municipal Law, the Public Housing Law, the State
20 Finance Law and Chapter 585 of the Laws of 1939.

21 ACTING PRESIDENT DeFRANCISCO: An
22 explanation is asked for.

23 Senator Hannon.

1 SENATOR HANNON: Mr. President.

2 This bill, which passed this house last year,
3 would index the rate of interest that various
4 governmental entities have to pay on a judgment
5 or an accrued claim. This would be -- the idea
6 would be to reflect economic reality in regard
7 to the claims that have to be paid out.

8 ACTING PRESIDENT DeFRANCISCO:
9 Senator Paterson.

10 SENATOR PATERSON: Mr.
11 President. I don't have a particular problem
12 with this bill. I just have a question of
13 Senator Hannon in terms of the assessment of the
14 interest rate.

15 I see that it comes more at the
16 time of the judgment than the date of injury;
17 and so where we have this disparity in the law
18 where it comes to contract law as opposed to
19 personal injury liability, I just want to know
20 why he set the date at the time of judgment when
21 the interest rate theoretically could fall which
22 would inure to the detriment of the plaintiff.

23 ACTING PRESIDENT DeFRANCISCO:

1 Senator Hannon.

2 SENATOR HANNON: I would think
3 that at the time the judgment is made, whatever
4 the award is at that time, they have taken into
5 account any changes in economic situations from
6 the incident for which the case has been brought
7 to the time of the award. So when you put the
8 judgment in, you've already had that
9 adjustment. So our thought was to go forward
10 from that point in time to whenever the payment
11 is actually made.

12 ACTING PRESIDENT DeFRANCISCO:
13 Senator Paterson.

14 SENATOR PATERSON: Thank you very
15 much, Senator Hannon.

16 On the bill. I think it's a
17 little bit of an assumption. It really doesn't
18 affect the merit of the bill. It is a fine
19 bill, and this house has seen to its unanimous
20 passage before, but I would just recommend that
21 one of the ways that this might become an agreed
22 upon bill would be to address that particular
23 issue where there is a discrepancy, in my

1 opinion, in the Contract Law as opposed to
2 personal liability recovery; and in the event
3 that the award is not made with the compensation
4 for the lowering of the interest rate -- I think
5 this is why the New York State Trial Lawyers
6 Association brought this up -- the fact that you
7 do have this opportunity for discrepancy.

8 Thank you.

9 ACTING PRESIDENT DeFRANCISCO:
10 Read the last section.

11 THE SECRETARY: Section 5. This
12 act shall take effect on the first day of
13 January.

14 ACTING PRESIDENT DeFRANCISCO:
15 Please call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT DeFRANCISCO:
18 Results.

19 THE SECRETARY: Ayes 45. Nays
20 1. Senator Abate voting in the negative.

21 ACTING PRESIDENT DeFRANCISCO:
22 The bill is passed.

23 SENATOR DOLLINGER: May I be

1 recorded in the negative as well? My
2 apologies. It's on Calendar Number 274.

3 THE SECRETARY: Also Senator
4 Dollinger.

5 ACTING PRESIDENT DeFRANCISCO:
6 Please read.

7 THE SECRETARY: Calendar Number
8 353, by the Committee on Rules, Senate Print
9 3955, an act to amend the Tax Law and the Public
10 Service Law, in relation to a reduction in the
11 tax rate.

12 SENATOR PATERSON: Explanation.

13 ACTING PRESIDENT DeFRANCISCO: An
14 explanation is asked for.

15 SENATOR BRUNO: Mr. President.
16 We have before us a piece of legislation that
17 when it is enacted into law will create hundreds
18 of thousands of jobs that are desperately needed
19 by the people of this state. It will stimulate
20 the economy of this state. This is an economic
21 development package and if people in this
22 chamber understand what this does, they will
23 support it.

1 Starts with construction jobs,
2 thousands of them in various parts of the state
3 relating to the stadia that take place in
4 various regions of the state. Creates jobs
5 initially, construction jobs, then it creates
6 economic development with the functions that
7 will take place in the stadia, tourist dollars,
8 local dollars, economic stimulation and
9 development.

10 Secondly, it creates jobs with a
11 huge tax cut package, tax cuts starting with the
12 utility gross receipts tax. Cost of energy in
13 this state is driving businesses to other
14 states. It is inhibiting their ability to grow
15 or come to New York. This deals with that.
16 Petroleum business tax will be cut. We have
17 truckers, we have airlines, that are fueling up
18 with their diesel fuel in other states, costing
19 jobs here in this state. This corrects that.

20 There is a circuit breaker in
21 this, taking the income levels from the present
22 18,000 to 32,000. There are people in their
23 homes that can not afford to stay in their homes

1 because of the high and escalating local
2 property taxes. This helps in that regard.

3 Critically important, there are
4 people who leave New York State to go to Florida
5 to avoid the estate taxes that are confiscatory
6 here in New York State. This conforms the state
7 income taxes to the federal taxes, critically
8 important.

9 It also deals with the container
10 tax, two cents on containers, and the 10 cents
11 per gallon on beer. You will recall that that
12 was put in place in 1990. For what reason? Who
13 in this chamber knows? Senator Leichter knows.
14 He knows why this tax was put on, and Senator
15 Onorato knows why that tax was put on.

16 SENATOR ONORATO: And I agree
17 with you.

18 SENATOR BRUNO: And I know it
19 because they are having a discussion about it
20 now, Mr. President, and their discussion relates
21 to the fact that that tax was put on in 1990 to
22 fund the environmental bond issue; and guess
23 what? It didn't pass. So, Senator, that tax

1 has been in place for five years to fund the
2 interest cost on that bond that never passed.
3 Now, I know that you want to address that and do
4 something about it and we're five years late,
5 but this is our opportunity.

6 There is also help, Mr. President
7 -- and, again, you have to realize what we're
8 trying to do is stimulate the economy. There is
9 NYRA relief in this. We do things with the
10 taxes, with the takeout, with the NYRA tracks
11 and the tracks across this state that are being
12 driven into bankruptcy, again, by overtaxation
13 of the state.

14 And, Mr. President, and this is
15 so important, we did what came to be known in
16 this state as the Cuomo real estate tax. When
17 we levied that tax -- and you want to talk about
18 things that we do that are counterproductive -
19 the revenue from real estate sales at the higher
20 end in this state was about \$800 million. Do
21 you know what the revenue is now from those
22 sales? I won't ask for a show of hands. About
23 80-90-100 million. That's what we did to the

1 transfer of property in this state by laying
2 taxes at the higher end. We took the income to
3 this state down from 800 million when we levied
4 this tax to less than 100 million today. That's
5 going to go, Mr. President, and that going will
6 create economic stimulus and jobs.

7 We, in New York State, rent two
8 prisons from you in New York City. We are going
9 to, through this package, buy those prisons from
10 the City instead of renting them. Saves the
11 state money, and it puts \$120 million into the
12 City budget. You, from the City, know that the
13 Mayor's desperately trying to balance the
14 budget. So a vote for this is a vote for your
15 constituency in New York City, \$120 million
16 directly into the City.

17 Also in the City, there is 62
18 million in school restoration money used as
19 capital expenditures to repair the schools.
20 Most of it goes into New York, but it goes
21 across the state in some other areas; but in New
22 York City, there is a desperate need for that
23 money. That is in this package, and there is

1 some miscellaneous things.

2 But, Mr. President, the reason
3 this is before us is that the people of New York
4 State desperately need jobs and the intent of
5 this is economic development, job creation, and
6 there is no other purpose for this to be before
7 us other than to fulfill that requirement for
8 the people of this state.

9 So people will say, Mr.
10 President, and I know there is one or two people
11 in this chamber right now -- one of them is
12 making notes -- thinking about, Where will the
13 money come from? How much will this cost?
14 Well, let me answer. Where will the money come
15 from? I'm reading your mind, Senator. It's
16 very dangerous. Where will the money come
17 from?

18 (Laughter.)

19 Okay, Mr. President, the money
20 that we are spending is -- my learned counsel
21 indicates -- and I don't like to say anything
22 until I know it's absolutely a fact. I won't
23 ask anyone in this chamber to guess, with all of

1 this economic development, all of this job
2 stimulation, hundreds of thousands of jobs
3 potentially being created, what the investment
4 would be -- investment would be -- \$15 million
5 THE first year. 15 million.

6 Now, the other tax cuts amount to
7 80 million first year, 645 million second year.
8 Where does that money come from? There will be
9 further cuts. There will be potential increased
10 revenues when the three leaders -- five leaders
11 agree, with their conferences, that there may be
12 additional revenue. There may be. If there is,
13 then the first 15 ought to go, Mr. President, to
14 create jobs, and the 80 million for the tax
15 reduction package will come from either the
16 agreed on revenues -- the Speaker of the
17 Assembly, for instance, says that there may be
18 80 million or 100 million from one item alone,
19 collecting the taxes that are apparently due
20 from the Indian reservations. Now, the Speaker
21 seems to feel strongly that that money is
22 there. If that money is there, we are saying
23 and we agree that -- people pay their taxes -

1 that money should be used for one purpose, to
2 create jobs, for economic development and no
3 other purpose. It represents, Mr. President, an
4 investment in the present and in the future of
5 New York State.

6 And, Mr. President, I am
7 comfortable that my colleagues on both sides of
8 the aisle will support this job creation
9 package.

10 Thank you, Mr. President, for
11 this opportunity to address my colleagues.

12 ACTING PRESIDENT DeFRANCISCO:
13 Senator Paterson is next on the list.

14 SENATOR PATERSON: Mr.
15 President. Would the Majority Leader be willing
16 to yield for a question?

17 ACTING PRESIDENT DeFRANCISCO:
18 Senator Bruno, would you yield?

19 SENATOR BRUNO: With pleasure,
20 Mr. President. It's always a pleasure.

21 SENATOR PATERSON: Thank you.
22 Actually, the Majority Leader knows my question
23 because he's read my mind; but just for the

1 benefit of the rest of you here, I thought I
2 would state it publicly.

3 Let's review, Mr. Majority
4 Leader. We have a utility tax, a real property
5 circuit breaker. We have a real estate tax. We
6 have estate and gift tax. We have a petroleum
7 tax, a beer tax, a container tax, and a
8 pari-mutuel racing tax. It will save us \$80
9 million in the first year.

10 But my question to you relates to
11 \$650 million that are actually going to come out
12 of our budget in fiscal year 1996-1997. Now, I
13 know that this house has passed the budget, but
14 I don't understand why we are actually working
15 out the figures in the budget for next year in
16 this bill when we haven't finished really
17 negotiating the budget for this year.

18 To be specific, the Governor has
19 announced that he is going to veto and has on
20 three occasions already vetoed pieces of
21 legislation that have come out of our house, and
22 he promises he is not going to pass any laws
23 until we pass this year's budget. So my

1 question is, Why are we going beyond that to
2 next year and working out figures that we really
3 can't be sure of until we make the necessary
4 agreements arranged for this year?

5 ACTING PRESIDENT DeFRANCISCO:
6 Senator Bruno.

7 SENATOR BRUNO: Thank you, Mr.
8 President.

9 That's an excellent question, and
10 I will attempt to answer that. We saw, I
11 believe, an ad by the CEO of Eastman Kodak in
12 the papers in New York imploring us to do what's
13 right in terms of economic development in this
14 state and that relates to this budget. We saw
15 IBM locate their headquarters and expand here by
16 245 million. Investment immediately. Those are
17 just a couple of the biggest businesses in the
18 world saying they think New York is headed in
19 the right direction under this Governor and with
20 this Legislature.

21 So, Senator, we are reinforcing
22 the message to the people of this state that we
23 are serious about changing the direction of

1 government. We want the people of this state to
2 understand that we know that more jobs have left
3 this state in the last four years than in any
4 other state. Forty percent of all the jobs in
5 the country lost came from New York. We know
6 that. We also know that we are lagging the rest
7 of the country in economic recovery. We also
8 know that we are 49 out of 50 in our bond rating
9 in the country.

10 So we have to stimulate the
11 economy. We have to deliver the message,
12 Senator. We have to help the people of this
13 state understand that we're not just talking.
14 We are acting. So by this action, we are
15 delivering a strong message that we are not
16 talking. We're taking action; and by the time
17 this gets on the Governor's desk after you
18 support it and we support it, gets supported in
19 the other house, hopefully, we will have a
20 budget in place, we will know what the
21 Assembly's numbers are and that will give us an
22 opportunity to negotiate; and when we do that,
23 we will have a budget, and the Governor will

1 sign this bill, and it will become law,
2 Senator. So I wouldn't worry that far along.

3 ACTING PRESIDENT DeFRANCISCO:
4 Senator Paterson.

5 SENATOR PATERSON: Mr.
6 President. I welcome some of what the Majority
7 Leader is doing. I would like to point out that
8 our conference, the Minority Conference, voted
9 against a lot of the increases that exist in
10 this -- that this bill is actually addressing.
11 We voted against it in 1990. We were not in
12 lock step at that time with anybody in
13 particular. We did not think that this was a
14 good fiscal policy and we voted against it.

15 But I'm not totally clear on how
16 we're taking a new direction. It looks to me as
17 if we're bonding out not just large items that
18 you have to bond out on certain occasions.
19 We're bonding out a lot of smaller ones.

20 Now, some of the issues that this
21 bill addresses are very good. I'm glad to see
22 that in spite of the fact that we left out of
23 the capital budget last week some stadiums that

1 are now in this particular bill, two in
2 Rochester, one in Syracuse, some stadiums that
3 were left out before, it's actually a good
4 thing. But what I don't understand is where we
5 are going to get the money from. It appears to
6 me it's going to come from our own debt service,
7 and what we are doing -- if we're really taking
8 a new direction, how are we not -- Mr. Majority
9 Leader, how are we not doing the same thing that
10 I got the impression that you would rail
11 against?

12 How are we bonding out finances
13 that we're going to have to pay for down the
14 road at a level that we really don't know? I
15 don't understand that. Perhaps you could
16 enlighten me.

17 ACTING PRESIDENT DeFRANCISCO:

18 Senator Bruno.

19 SENATOR BRUNO: Mr. President.

20 These are capital expenditures that we would
21 bond out, and the most appropriate thing that
22 happens in states, at the federal government,
23 and in business is to get a mortgage. When you

1 bond out a stadium or you bond out something
2 like a school, you are building something and
3 you are mortgaging that property.

4 Now, this country was built on
5 this concept that is acceptable in business, in
6 the country, in the state. So, Senator
7 Paterson, we're not doing anything new or
8 different. We are not inventing anything. We
9 are taking an accepted practice and we are
10 utilizing it to create jobs in Rochester,
11 Syracuse, Broome County, New York City, Senator
12 -- your district -- Buffalo, and hopefully
13 around here in the Capital District.

14 ACTING PRESIDENT DeFRANCISCO:
15 Senator Paterson.

16 SENATOR PATERSON: Mr.
17 President. This is really my last question, but
18 we usually don't bond out school maintenance.
19 That is something that I think is new in this
20 particular bill; and although I agree with the
21 Majority Leader -- as a matter of fact, I think
22 the Majority Leader is helping to make a point
23 that I have been trying to make over the past

1 few weeks when all we hear, the newly shrill cry
2 for attention, is about balancing budgets; and I
3 maintain that balancing budgets is something
4 that sounds very nice but really isn't making
5 any economic sense. If you always had a
6 balanced budget, individually, you couldn't have
7 a credit card; you couldn't have a mortgage.

8 So I'm not objecting to the
9 necessary bonding that takes place, but we're
10 bonding \$200,000 items here. We're bonding
11 really very low-cost items, and these are also
12 some items that appeared in last week's capital
13 budget. So if we pass this bill, aren't we
14 really spending money on the same thing twice?
15 In other words, this is what I just don't
16 understand about this bill at this particular
17 time.

18 The Governor has said he is
19 against bonding out items; so, in other words,
20 it is the confusion really more than the merit
21 that is difficult for me to understand.

22 ACTING PRESIDENT DeFRANCISCO:
23 Senator Leichter.

1 SENATOR LEICHTER: Mr.
2 President.

3 Senator Bruno, I enjoyed your
4 presentation. You never cease to amaze me. I
5 don't want to say this is an irresponsible
6 program. I think more accurate would be to say
7 that it's totally irresponsible. I think it's
8 really interesting, Senator Bruno, in view of
9 the statements that you have made, and members
10 of your side of the aisle, in the last few days
11 about how, "We're going to tighten the belt and
12 this is a new day and we don't have the money to
13 spend," and so on; but, lo and behold, suddenly
14 we found this pot of money, pot of gold. I
15 guess somebody went down the halls and looked in
16 the corner; and, lo and behold, there is all
17 this money available; and much of it, I see,
18 goes for so-called economic development programs
19 in the Capital Region.

20 The Capital Region does really
21 quite well. The Albany County Airport, the
22 Rensselaer County Building Acquisition and
23 Restoration Program, that's good for 5 million.

1 Saratoga Performing Arts Center, 3.95 million,
2 and -- I don't know where Gould Pumps, Inc., of
3 Seneca Falls is, but that's only a million. I
4 don't think that's in your district, Senator
5 Bruno.

6 So, yes, I think certain Senate
7 districts seem to do well as far as getting some
8 pork. I know we got all the sports stadiums in
9 here, but the thing that fascinated me was the
10 economic theory that the Majority Leader set
11 forth in trying to justify this bill.

12 This is a tax cut that benefits
13 almost exclusively the very, very wealthy; and
14 to get up and to say this is a program of
15 economic stimulus for the State of New York,
16 take a look at who benefits from these tax
17 cuts. This Majority is legislating solely for
18 the wealthy. The Pataki budget is a budget
19 solely that benefits the wealthy. It hurts 90
20 percent of the people of this state. You are
21 trying to make it that 95 percent are going to
22 be hurt and more benefits for wealthy.

23 Senator Bruno, your explanation

1 of the loss of jobs in New York State and how
2 we're doing poorly as against other parts of the
3 country, Senator, the fact is that the whole
4 Northeast has been in a recession; and the last
5 time I looked, New Jersey, with that great
6 Republican governor and her economic theory, was
7 doing particularly badly, with unemployment up,
8 facing a large deficit; and Governor Pataki,
9 with your cheerleading, is going down that same
10 path because, frankly, there is no economic
11 basis with any rationality to support this sort
12 of a program.

13 I would like to say, Senator
14 Bruno, that I'm going to set up a fund to send
15 you to some classes in economics; and as soon as
16 we get paid, I pledge \$100 to that fund and I
17 hope other members will join me because, with
18 all due respect, you need some economic
19 underpinning for these programs that you're
20 putting forth.

21 I think it's a dishonest bill. I
22 think in some parts it's a fig leaf to cover up
23 the failings of the budget that you passed

1 earlier because you refused to carry out
2 promises that you had made to the people when we
3 said that we would pay for school repairs and
4 maintenance and now we weren't doing it. So
5 this is the fig leaf. Republicans are going to
6 be able to say, "Oh, no, I didn't break the
7 promise. Look, in our economic revitalization
8 bill" -- or whatever you're calling it -- "the
9 Economic Development Act of 1995, we provided
10 for this money," and you did it in a totally
11 irresponsible fashion, as Senator Paterson
12 rightly pointed out.

13 Let me just say on these claims
14 how we're helping business and we're stimulating
15 business by these programs, there is no
16 empirical data, whatsoever, that these sort of
17 programs in any way are an assistance to
18 business or to create jobs. You take a look at
19 other states that are doing better -- and they
20 are doing better for various economic reasons
21 that really have very little to do with the sort
22 of legislation that we're considering, but they
23 don't have the sort of give-away programs that

1 we have for business.

2 I issued a report about a month
3 ago showing the corporate welfare program in the
4 State of New York. Last year, we spent \$1.2
5 billion in assistance to corporations. Most of
6 it was completely wasted. Much of it was
7 totally foolish. Some of it was totally
8 counterproductive. For instance, where the
9 investment tax credit -- which actually gives
10 money mainly to the largest corporations in this
11 state to put in so-called labor saving devices.
12 That particular economic stimulus program
13 actually costs us jobs in the State of New York.

14 This bill goes along the same
15 line of really throwing money away on so-called
16 economic stimulus programs that do not create
17 jobs. We would be much better off dealing with
18 the overall quality of life in the State of New
19 York with the business climate; and,
20 unfortunately, this bill doesn't address that
21 and the budget only makes the overall business
22 climate worse.

23 So, this bill may create good

1 press releases, may be claims that the
2 Republicans can make, but I'll say this to you,
3 Senator Bruno. I consider this just more
4 pandering, the same as the pandering we did
5 yesterday on refusing to pay legislative staff,
6 although we understand they are going to be paid
7 now, anyhow; but none of this really addresses
8 the needs of the people of the State of New
9 York; and when it's contrasted to the statements
10 that you made last week, when it's contrasted to
11 the budget that you passed and your claims of,
12 "We are going in a new direction," that
13 direction is one of gross fiscal
14 irresponsibility.

15 ACTING PRESIDENT DeFRANCISCO:

16 Senator Waldon.

17 SENATOR WALDON: Thank you very
18 much, Mr. President. I would like to ask the
19 learned Senator from Rensselaer to respond to a
20 question or two. But, first, yesterday, my
21 doctor had scheduled an examination for me, and
22 I had to repair to that place for the
23 examination. I would like the record to show

1 that had I been present here I would have voted
2 no -- I believe it was Bill Number 4000. My
3 doctor, my colleagues, had scheduled a
4 sigmoidoscopy. I respectfully requested that
5 the doctor wait until the budget process -
6 until the budget process was over, that we were
7 having enough difficulty with that up here on
8 the hill.

9 But if the learned Senator would
10 respond -- yield to a question or two?

11 ACTING PRESIDENT DeFRANCISCO:
12 First, the record will reflect that you would
13 have voted in the negative on that bill had you
14 been present.

15 Senator Bruno, would you yield to
16 a question?

17 SENATOR BRUNO: Yes, Mr.
18 President.

19 SENATOR WALDON: My dear
20 colleague, have you had any discussion with the
21 Speaker Sheldon Silver in regard to a companion
22 bill for this particular bill that you are
23 submitting for our consideration today?

1 SENATOR BRUNO: Yes, I have,
2 Senator. Not about the particular package that
3 we have before us, but almost every item that
4 we're talking about here in some way or other
5 has been part of the discussions that relate to
6 the budget process.

7 SENATOR WALDON: If I may
8 continue, Mr. President?

9 ACTING PRESIDENT DeFRANCISCO:
10 Senator Waldon.

11 SENATOR WALDON: I'm sorry.

12 ACTING PRESIDENT DeFRANCISCO:
13 Yes.

14 SENATOR WALDON: Thank you, Mr.
15 President.

16 Senator, in your colloquy with
17 the Speaker, has he agreed to do -- if not the
18 precise things that you are looking to
19 accomplish with this, has he agreed to do
20 something similar that could be conformed to
21 relatively easily when the respective committees
22 from each house meet to address these concerns?

23 ACTING PRESIDENT DeFRANCISCO:

1 Senator Bruno.

2 SENATOR BRUNO: Mr. President. I
3 don't like to even paraphrase what the Speaker
4 might or might not agree to, but it is my
5 impression and understanding from our
6 discussions that he is open to and receptive to
7 much of what is before us in this house. There
8 may be some specific items that he may want to
9 discuss further.

10 But, generally, I think, in
11 pieces, if you take the 62 million for schools,
12 part of what he talks about, 120 million for the
13 City for us to buy the jails from them since the
14 state prisoners inhabit those jails, he talks
15 about that and I believe is supportive of that.
16 The stadia, he has indicated in the past that he
17 is supportive of that as relates to job
18 creation. The tax package, he has a little
19 different mix, but I know that some of these
20 items are important to him and his conference.
21 He has some others like the sales tax that if
22 this were to become law he would want to
23 negotiate as to that potentially being part of

1 it.

2 But I would say if I were just
3 paraphrasing that most of what is before us is
4 something that he would be interested in helping
5 make happen.

6 SENATOR WALDON: If I may
7 continue, Mr. President. If the Senator will
8 continue to yield.

9 SENATOR BRUNO: Yes, Mr.
10 President.

11 SENATOR WALDON: Senator, this
12 bill will pass in this house simply because of
13 the numbers. I would like to know upon its
14 passage, do you intend to hold it at the desk or
15 are you going to present it outside of this
16 house for consideration by the Governor?

17 SENATOR BRUNO: We will, upon
18 passage, send it over to the Assembly; and if
19 they were to pass it in the next couple of days,
20 which I think would be a great public service,
21 and send it to the Governor, then I would with
22 my colleagues -- and I would ask the Speaker to
23 accompany me. I would have a discussion with

1 the Governor about his signing this piece of
2 legislation, because the Governor has said that
3 he will sign legislation that represents dealing
4 with emergencies or dealing with things that are
5 critically important to the health and welfare
6 of this state, and, Senator, I think that the
7 Governor would recognize that this bill
8 represents an emergency.

9 It's a reaction to an emergency
10 in this state where, if in this state we were
11 only keeping pace with the rest of the country
12 in the recovery in this recession, we would have
13 about 651,000 more jobs today creating about
14 3 billion in revenue, and what a godsend that
15 would be in meeting this deficit that we have
16 before us if that were a fact.

17 So, Mr. President, I believe -
18 and I can't speak for the Governor, but I
19 believe that if this lands on the Governor's
20 desk this week that he would be inclined to sign
21 it because it stimulates the economy and it
22 creates jobs.

23 ACTING PRESIDENT DeFRANCISCO:

1 Senator Waldon.

2 SENATOR WALDON: Just a few more
3 questions. I will not belabor this too long.
4 Will the Senator continue to yield?

5 ACTING PRESIDENT DeFRANCISCO:
6 Will you continue to yield?

7 SENATOR BRUNO: Yes, Mr.
8 President.

9 SENATOR WALDON: My learned
10 Senator from Rensselaer County, have you
11 received any personal assurances from our
12 governor that he will sign this if you present
13 it to him via the normal process through the
14 Assembly to his desk?

15 ACTING PRESIDENT DeFRANCISCO:
16 Senator Bruno.

17 SENATOR BRUNO: Mr. President. I
18 must answer negatively. I have had no
19 guarantees from the Governor that he would sign
20 this. I only have a very strong feeling that if
21 we presented it to him in finished product that
22 he might see the wisdom of the job creation
23 that's contained, but I have no assurance from

1 him personally that he supports everything that
2 is in this bill.

3 SENATOR WALDON: May I continue,
4 Mr. President, through you?

5 ACTING PRESIDENT DeFRANCISCO:
6 Yes, sir.

7 SENATOR WALDON: Mr. Majority
8 Leader, I read in the paper today that the
9 closest ally our Governor has in this body is
10 yourself, and I also read in that same newspaper
11 article that this Governor -- and one of the
12 bills that he vetoed was our dear colleague
13 Senator Farley's bill which dealt with
14 laundering of money, et cetera, a very positive
15 bill, a good bill for the banking industry,
16 which supported this Governor and supported, I'm
17 sure, the Republican side of this house -- that
18 article continued to say that it is the
19 understanding of the writer that this Governor
20 would veto all bills coming before him if there
21 is no budget in place.

22 Now, when I left for the doctor's
23 last night we had not passed the budget, to my

1 knowledge. I assume, because no one said to me
2 with glad-handedness and a great spirit as I
3 entered the hall of this chamber this afternoon
4 -- this morning, I should say -- that we, in
5 fact, had passed the budget, so I have to assume
6 that we did not pass the budget in my absence
7 last evening. Therefore, we have no budget.

8 Therefore, I ask again the
9 question. In your feeling stage, your feelings
10 at your feeling level, do you think that this
11 will be signed post haste if we pass it today
12 and it gets to the Governor's desk?

13 SENATOR BRUNO: Mr. President.
14 The good Senator is correct. In his absence,
15 the state did not enact a budget. So you
16 accurately reflect the condition of the state,
17 and we haven't passed a budget, Mr. President,
18 because the Assembly hasn't seen fit to pass the
19 budget that we diligently passed by March 31st
20 in cooperation in an agreement with the
21 Governor; and had the Assembly done their job
22 the way we did our job in this house -- with the
23 assistance of my colleagues on both sides of the

1 aisle, we put a balanced budget in place by
2 March 31 for all of the people of this state.
3 But, Mr. President, the Assembly hasn't seen fit
4 to pass other than two budget bills. We have
5 passed, I believe, 70-some budget bills to get a
6 budget completely in place, and that is a sad
7 state of affairs.

8 I keep reading that I am one of
9 the closest allies of this good Governor. I
10 keep reading that; and, Senator, as you know,
11 everything that ends up in print is usually the
12 Gospel truth, and we recognize that.

13 So that being the case, I would
14 take the other allies of the Governor, both
15 sides of the aisle, and discuss with the
16 Governor the merits of this job creation
17 package; and while he may not agree totally and
18 completely, I think he would understand the
19 wisdom of this, attempting to correct the errors
20 of the past administration that has led us into
21 this fiscal embarrassment that New York State
22 finds itself with a \$5 billion deficit.

23 So I believe that our ally,

1 yours, mine, would see fit to look favorably
2 upon this legislation if it lands on his desk by
3 tomorrow.

4 SENATOR WALDON: Mr. President.
5 Just one last question of the Majority Leader if
6 he would submit.

7 ACTING PRESIDENT DeFRANCISCO:
8 Senator Bruno, do you continue to yield?

9 SENATOR BRUNO: Yes, Mr.
10 President.

11 SENATOR WALDON: In keeping with
12 our concerns, at least my concern in reading the
13 article this morning, Senator, have you have had
14 any -- Mr. Majority Leader. I apologize -- have
15 you had any conversations with this Governor in
16 regard to other legislation that we will pass
17 and his intention to veto and/or to sign said
18 legislation?

19 SENATOR BRUNO: Yes, Senator, I
20 have had a discussion, several discussions, and
21 the Governor's message to me was, it is
22 critically important that we in this Legislature
23 stay focused on putting a budget in place.

1 Every day that goes by costs the taxpayers of
2 this state huge sums of money. One estimate is
3 \$13,700,000 a day every day.

4 So the Governor said, "Stay
5 focused." The Governor said, "I know that you
6 in the Senate did your job and did your budget.
7 I know the Speaker in the Assembly hasn't done
8 his job and hasn't done his budget, but,
9 Senator, I'm going to veto everything other than
10 emergency bills. I'm going to veto everything
11 so that we can keep the attention of this
12 Legislature and this state focused on getting a
13 budget in place."

14 So, I said, "Governor, I disagree
15 with you vetoing our best friends' legislation
16 that the people of this state need and your -
17 one of your closest allies, Senator Farley,
18 Senator Sears. I disagree, Governor, with that
19 because this was legislation that was passed
20 before April 1, before the budget deadline."

21 And the Governor said, "Thank
22 you, Senator, for your opinion," and he vetoed
23 the bills.

1 ACTING PRESIDENT DeFRANCISCO:

2 Senator Waldon.

3 SENATOR WALDON: On the bill, Mr.
4 President. I appreciate the indulgence of the
5 Majority Leader to my questions.

6 We danced very well, Senator.
7 The music was smooth, and it did the job. I
8 don't know if you really responded to the
9 questions, but I do believe I accomplished my
10 point.

11 So on this bill let me say I
12 believe that this is not an emergency bill;
13 therefore, if the pattern of behavior of this
14 Governor, to date, regarding similar pieces of
15 legislation we have passed which were, in fact,
16 vetoed by him, that he will also veto this
17 bill.

18 But the interesting piece is that
19 \$13-plus million by your estimation -- I believe
20 it is much more when we consider the debt
21 service -- is accumulating negatively to the
22 state as we are here doing nothing. Because if
23 he is vetoing what we do, what we are empowered

1 to do as legislators, what we are mandated and
2 obligated to do as legislators, he has, in
3 effect, constructively evicted us from our roles
4 as legislators.

5 That's the point that I wish to
6 make. This Governor by his arbitrary,
7 capricious, unheralded, historically not
8 substantiated action is constructively evicting
9 all of us, Senators and Assemblypersons, staff
10 recently paid but a fear of not being paid
11 yesterday; and thanks to the good graces of the
12 system and the superman, Carl McCall, the checks
13 arrived.

14 But I believe that this Governor
15 is doing a disservice to the people of the State
16 of New York, and we can sit here and fidget if
17 we wish. We can sit here and try to do the
18 business of the people of state if we wish, but
19 there is only one impediment stopping us from
20 achieving the people's business, and he's on the
21 second floor.

22 Thank you, Mr. President.

23 SENATOR BRUNO: Mr. President.

1 ACTING PRESIDENT DeFRANCISCO:

2 Senator Bruno.

3 SENATOR BRUNO: Can I ask the
4 house's indulgence? One of our members has to
5 be somewhere very, very shortly that's important
6 in his life, and I ask that you interrupt the
7 proceedings and read the last section on this
8 bill so that he might vote.

9 Senator Hoblock.

10 ACTING PRESIDENT DeFRANCISCO:

11 Please read the last section.

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

14 ACTING PRESIDENT DeFRANCISCO:

15 Call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT DeFRANCISCO:

18 Senator Hoblock, how do you vote?

19 SENATOR HOBLOCK: Vote in the
20 affirmative. Thank you, Mr. President.

21 ACTING PRESIDENT DeFRANCISCO:

22 Please withdraw the roll call.

23 Senator Dollinger.

1 SENATOR DOLLINGER: Mr.
2 President. Will the real Majority Leader yield
3 to a few questions?

4 SENATOR BRUNO: Yes, Mr.
5 President.

6 ACTING PRESIDENT DeFRANCISCO:
7 Excuse me. I misunderstood you. Who were you
8 asking to yield to a question?

9 SENATOR DOLLINGER: I was asking
10 the Majority Leader, Mr. President. I'm
11 astounded, I guess, because -

12 ACTING PRESIDENT DeFRANCISCO:
13 Excuse me. You are asking the Majority Leader
14 to yield?

15 SENATOR DOLLINGER: Yes, Mr.
16 President.

17 ACTING PRESIDENT DeFRANCISCO:
18 Senator Bruno, would you yield to a question
19 from Senator Dollinger?

20 SENATOR BRUNO: Yes, Mr.
21 President.

22 SENATOR DOLLINGER: Mr.
23 President. The reason I put that adjective in

1 front of the phrase was -

2 SENATOR BRUNO: Mr. President.

3 Is it worth repeating?

4 SENATOR DOLLINGER: No, I simply
5 said, "the real Majority Leader." I only ask
6 that, Senator Bruno -- I hope you'll appreciate
7 a little attempt at humor -- because last week I
8 heard you sound like Ronald Reagan when you
9 talked about the importance of budget cuts and
10 how you were going to revitalize the economy;
11 and, today, I thought you sounded a lot like
12 Franklin Roosevelt, when you talked about the
13 importance of public works projects and how we
14 had to use the public's money to spur all this
15 job creation.

16 ACTING PRESIDENT DeFRANCISCO: Is
17 there a question, Senator?

18 SENATOR DOLLINGER: There is a
19 question. Is it the position of the Majority in
20 this house that we're now going to use public
21 money to create a publicly-financed job creation
22 project in this state rather than use the tax
23 cut approach that we were trying to put into the

1 budget last time, to use a privately financed
2 creation of jobs?

3 SENATOR BRUNO: Senator, was that
4 a question?

5 SENATOR DOLLINGER: Yes, I was
6 simply asking through you, Mr. President,
7 whether there has been a philosophical change on
8 the other side of the aisle -

9 SENATOR BRUNO: Yes.

10 SENATOR DOLLINGER: -- whether to
11 use publicly-financed -

12 SENATOR BRUNO: Yes. Mr.
13 President. There has not been a philosophical
14 change, but I want to thank Senator Dollinger
15 for calling attention to the fact that I in my
16 life, my colleagues on this side of the aisle
17 are big enough to embrace philosophically great
18 Americans like President Roosevelt, a former
19 Senator who stood in this house and debated as
20 we're debating and I admire him and I respect
21 him and his memory and applaud so many of the
22 things that he did to move this country forward,
23 as did so many other Presidents, like President

1 Reagan, President Bush, to help stimulate the
2 economy of this state by doing what is
3 necessary, states in the country, at appropriate
4 times.

5 So philosophically, Mr.
6 President, yes, we are for job creation. Jobs
7 create revenue; and, Mr. President, unlike some
8 other states' people that were Presidents who
9 created the welfare system in the United States,
10 like President Johnson, that has taken this
11 country to the brink of financial ruin and
12 thanks to the good works that are presently
13 being done in both houses, trying to change the
14 direction of this country as the people have
15 mandated this past November, and we embrace much
16 of what's being done there, and we embrace now
17 job creation and if that means that it is
18 following philosophically in the steps of the
19 great President Franklin Delano Roosevelt, then
20 we do. So the answer is yes.

21 SENATOR DOLLINGER: Through you,
22 Mr. President. The Majority Leader also said
23 this would create hundreds of thousands of

1 jobs. Do you have an estimate of exactly how
2 many jobs will be created; and how long will
3 these jobs remain in place?

4 ACTING PRESIDENT DeFRANCISCO:
5 Senator Bruno.

6 SENATOR BRUNO: How long the jobs
7 will last? Well, for instance, in Rochester,
8 you will have construction jobs that would take
9 place immediately, and then you would have
10 hundreds of ongoing jobs, maintaining
11 facilities, utilizing the facilities, for
12 instance; and when people attend functions,
13 there are jobs created in restaurants, gas
14 stations, dry cleaners, you name it. So it
15 truly is economic stimulation; and, Senator
16 Leichter, had mentioned -- and in this answer,
17 Mr. President, I would like to incorporate very
18 specifically something that relates to you -
19 talked about Gould Pumps; and I sense that it
20 was disparaging in the way you addressed it
21 which appeared, and I know you didn't mean it,
22 almost like disdain, but I know you didn't mean
23 it. That Gould Pumps that was mentioned in this

1 bill, it is a \$1 million loan by UDC which
2 leverages a \$10 million availability that
3 will create 1200 jobs in your neighborhood.

4 Now, Senator -- Mr. President,
5 would you -- do you support the construction of
6 the facilities in Rochester and Gould Pumps
7 employing these 1200 people? Do you support
8 that?

9 SENATOR DOLLINGER: Is he asking
10 me to yield?

11 SENATOR BRUNO: May I?

12 ACTING PRESIDENT DeFRANCISCO:
13 Senator Dollinger, would you yield to that
14 question?

15 SENATOR DOLLINGER: Absolutely.
16 In fact, I voted against the capital budget that
17 took out both the projects in Rochester. You
18 remember that, last week, one week ago today,
19 when the budget came to this floor, "a balanced
20 budget," as I was told by the Majority, and the
21 Majority happened to delete both the Rochester
22 projects. You may remember, Mr. Majority
23 Leader, that I stood up and said, "I'm going to

1 vote against that budget because we're breaching
2 our faith with the people in my community," and
3 I voted against that, and, lo and behold, I find
4 it suddenly dashed back into the economic
5 development.

6 With all due respect to the
7 Majority Leader, do you remember the poster I
8 made? I mean I got it sitting out in the hall.
9 I've been told I can't bring it in; but remember
10 the poster I made? Remember, it said in big
11 letters, "NO POOL." Lo and behold, the pool is
12 back. We're swimming in money.

13 SPAC. Remember, no SPAC. All of
14 a sudden SPAC is back. There it is right in the
15 economic stimulus bill.

16 Seems as though the Majority
17 wants to have it both ways. Cut it with one
18 hand and deliver it with the other. Sort of a
19 little -- I don't know, some people would call
20 it a shell game. You take with one hand; you
21 give with the other; you take with one hand; you
22 give with the other. It's like the old bob and
23 weave style that Sugar Ray Leonard was famous

1 for. I see a lot of bobbing and weaving in all
2 this discussion about a budget.

3 But let me ask a specific
4 question about a project in Senator Bruno's
5 district.

6 ACTING PRESIDENT DeFRANCISCO:
7 Excuse me. Senator Nozzolio, why do you rise?

8 SENATOR NOZZOLIO: I would like
9 Senator Dollinger to yield, Mr. President.

10 ACTING PRESIDENT DeFRANCISCO:
11 Senator Dollinger, would you yield to a
12 question?

13 SENATOR DOLLINGER: I will be
14 glad to yield to Senator Nozzolio as soon as I
15 ask a question of Senator Bruno.

16 ACTING PRESIDENT DeFRANCISCO:
17 All right. Senator Bruno, do you yield?

18 SENATOR BRUNO: Yes, Mr.
19 President, and I would yield to Senator Nozzolio
20 if he had a comment and if that's appropriate on
21 the floor.

22 ACTING PRESIDENT DeFRANCISCO:
23 Senator Dollinger, would you consent to that?

1 SENATOR BRUNO: Would you concur
2 in that little transition, Senator?

3 SENATOR DOLLINGER: Mr.
4 President. I was hoping I could ask my question
5 of Senator Bruno first about the Rensselaer
6 County project.

7 SENATOR BRUNO: Fine.

8 SENATOR DOLLINGER: So I could
9 figure out what this all means as far as the
10 money we're spending on the specific capital
11 projects.

12 ACTING PRESIDENT DeFRANCISCO:
13 Senator Bruno?

14 SENATOR BRUNO: All right, Mr.
15 President. I will be happy to answer.

16 SENATOR DOLLINGER: Mr.
17 President. There is a five million
18 appropriation in this economic stimulus bill for
19 a project in Rensselaer County, and I understand
20 you were asked by the press what it was and
21 didn't divulge any details as to what the
22 project was. Could you tell me what the project
23 was and where it is?

1 SENATOR BRUNO: Well, first,
2 Senator, I'm sorry that I have to let you
3 understand that everything we have to do with
4 building, construction, job creation, can't go
5 into Rochester. Sorry about that. Okay?

6 SENATOR DOLLINGER: I appreciate
7 that. I shouldn't be a glutton for all the
8 state spending right in Rochester. I'm willing
9 to spread it around.

10 SENATOR BRUNO: Having said that,
11 there is a very, very small piece that might
12 find itself into Rensselaer County, Mr.
13 President, and that very small piece would
14 create potentially thousands of jobs because
15 there are several sites in Rensselaer County
16 suitable for private industry to move in and
17 occupy and that five million was earmarked -
18 for instance, Sterling Winthrop that moved out
19 of this area, closed, cratered, thousands of
20 jobs that moved out of this state due to the
21 negative policies of the Cuomo administration in
22 the last 12 years that you, Senator, have to
23 take a responsibility for because he was your

1 Governor and he was on the same side of the
2 aisle -- I'm answering your question.

3 SENATOR DOLLINGER: I appreciate
4 that.

5 SENATOR BRUNO: But because of
6 that, Sterling left town. They said, "We've had
7 enough of taxes and spending by the Cuomo
8 administration and all of those people on his
9 side of the aisle that support him, so we're
10 taking our good jobs," and they moved to
11 Pennsylvania and other parts of the country.

12 So that five million, Senator, is
13 intended, for instance, to renovate that
14 facility that sits there. You can see it from
15 this side, the east side of the LOB or the
16 Capitol, sits there empty with 350,000 usable
17 feet. With a paltry sum of potentially up to
18 five million, we might have that 350,000 feet
19 inhabited by people who are off welfare, off
20 unemployment, and working; and that helps you,
21 Senator. It helps your constituents, and it
22 helps mine.

23 So, yes, that's what that is

1 intended for.

2 Now, can I give you details?

3 No. Are we talking to some people that can
4 occupy that facility? Yes. If we went public
5 with that, can that be detrimental? Yes. And
6 will we? No.

7 ACTING PRESIDENT DeFRANCISCO:
8 Senator Dollinger, now that Senator Bruno has
9 answered your question, will you yield to the
10 question of Senator Nozzolio?

11 SENATOR DOLLINGER: I would like
12 to follow-up with Senator Bruno for a second. I
13 apologize to my colleague from Seneca.

14 ACTING PRESIDENT DeFRANCISCO: So
15 at this time you will not yield to Senator
16 Nozzolio?

17 SENATOR DOLLINGER: Not at this
18 time. I would like to just follow up with
19 Senator Bruno. I guess, Senator, I'm always
20 surprised -

21 ACTING PRESIDENT DeFRANCISCO:
22 Excuse me. The Senator will not yield at this
23 time. He requests that Senator Bruno yield

1 again for another question. Senator Bruno, will
2 you yield?

3 SENATOR BRUNO: Mr. President.
4 The good Senator had indicated that he just
5 wanted to finish with one question before he
6 would accommodate our colleague. So I would
7 just ask him if you wouldn't mind accommodating
8 our colleague, because that's what you had said
9 earlier?

10 SENATOR DOLLINGER: Certainly,
11 Senator.

12 SENATOR BRUNO: I would
13 appreciate that.

14 SENATOR DOLLINGER: I believe
15 that admonition is appropriate.

16 I will now yield to Senator
17 Nozzolio.

18 ACTING PRESIDENT DeFRANCISCO:
19 Senator Nozzolio.

20 SENATOR NOZZOLIO: Thank you, Mr.
21 President.

22 Senator Dollinger, are you aware
23 that this measure has two athletic stadium

1 facilities in it for the Rochester area?

2 SENATOR DOLLINGER: Yes, Mr.

3 President, I am.

4 SENATOR NOZZOLIO: And if Mr.

5 Dollinger will continue to yield?

6 ACTING PRESIDENT DeFRANCISCO:

7 Will you continue to yield?

8 SENATOR DOLLINGER: I will.

9 ACTING PRESIDENT DeFRANCISCO:

10 Senator Nozzolio.

11 SENATOR NOZZOLIO: Are you aware,

12 Senator, that among the projects listed here is

13 a project that is very critical to the future of

14 one of the larger manufacturers in our region,

15 Gould Pumps?

16 SENATOR DOLLINGER: I understand

17 there is a million dollar appropriation, Mr.

18 President. I don't know exactly what it goes

19 for. It isn't detailed in the budget, but I

20 understand there is a million dollar loan

21 appropriation to Gould Pumps. I don't know the

22 specifics of it.

23 SENATOR NOZZOLIO: It's a million

1 dollars -- just to clarify, Senator, it's a
2 million dollar capital appropriation to RIT,
3 Rochester Institute of Technology, to expand
4 their Center for Integrated Manufacturing, the
5 CIM's project into the Finger Lakes Region, and
6 that RIT, the Rochester Institute of Technology,
7 is extremely interested in expanding their
8 efforts of economic development. I wanted to
9 test your awareness of those projects because I
10 have a number of questions I would like to ask
11 you.

12 If the Senator will continue to
13 yield?

14 ACTING PRESIDENT DeFRANCISCO:
15 Senator Dollinger, will you continue to yield?

16 SENATOR DOLLINGER: I will.
17 Certainly.

18 ACTING PRESIDENT DeFRANCISCO:
19 Senator Nozzolio.

20 SENATOR NOZZOLIO: Thank you,
21 Senator Dollinger. Senator Dollinger, let me
22 just ask you your philosophical -- attempt at a
23 philosophical argument. You mentioned public

1 works jobs. I just want to point out, Senator,
2 that public works jobs as I view them are short
3 term government supported jobs. You are
4 supporting the stadium facility in Rochester,
5 are you not?

6 SENATOR DOLLINGER: I am, Mr.
7 President.

8 SENATOR NOZZOLIO: And, Senator,
9 it's my understanding, too, that you are
10 supportive of the auditorium, the War Memorial
11 renovations in the city of Rochester.

12 SENATOR DOLLINGER: I do also
13 support state participation in that project, as
14 well.

15 SENATOR NOZZOLIO: Senator, if
16 you will continue to yield?

17 You support both of those
18 projects because I think you believe as I do -
19 and please correct me if this statement is not
20 accurate, but you believe as I do that both
21 projects are important to the economic climate
22 of the Rochester area.

23 SENATOR DOLLINGER: I think both

1 of them will have some positive benefit to the
2 economic community of Rochester, that is
3 correct.

4 SENATOR NOZZOLIO: And, Senator,
5 in the past -- if you will continue to yield -
6 you have supported RIT and CIMs, have you not?

7 SENATOR DOLLINGER: I have. Mr.
8 President, I have.

9 SENATOR NOZZOLIO: And do you
10 have any objection to the funding in this bill
11 for RIT CIMs, the War Memorial facility, and the
12 stadium at Rochester?

13 SENATOR DOLLINGER: Under the
14 context of this bill, one of the things I will
15 say before I finish my speech is that I intend
16 to vote for this bill. I think this is a
17 wonderful bill. I think this bill is the
18 perfect bill. I feel like I've died and gone to
19 political nirvana. This is a bill that allows
20 me to cut taxes and to spend money without
21 having to worry about its repercussion in the
22 budget. You've given me a wonderful
23 opportunity. I would love to vote for this. I

1 have voted for this every time. I can reach up
2 my sleeve and find a couple hundred million,
3 just as I think you are.

4 But I think this bill doesn't
5 make any sense because the budget we've passed
6 that was balanced took all this stuff out; and,
7 frankly, what I think happened is the Majority
8 said, "Uh-oh, we can't do that. We've got to
9 have a political fig leaf," in the words of
10 Senator Leichter. So all of a sudden, the very
11 next minute, even before the ink was dry on that
12 budget bill the Majority of this house passed,
13 all of a sudden, "It isn't a budget; it's
14 economic development," and that's what everybody
15 says now.

16 Well, I support economic
17 development. I'm going to vote in favor of
18 economic development. I voted against the
19 capital budget because it was taken out of the
20 capital budget. My view is you can't have it
21 both ways. You can either take with one hand
22 and move with the other. That's what you would
23 like. I understand the politics of that; but,

1 frankly, I'm going to vote in favor of this.

2 You have given me a wonderful
3 opportunity which I fully intend to take. It's
4 sort of like risk-free law making.

5 ACTING PRESIDENT DeFRANCISCO:
6 Senator Nozzolio.

7 SENATOR NOZZOLIO: Will Senator
8 Dollinger continue to yield?

9 ACTING PRESIDENT DeFRANCISCO:
10 Will you continue to yield, Senator Dollinger?

11 SENATOR DOLLINGER: Yes, I will.

12 SENATOR NOZZOLIO: Senator
13 Dollinger, have we passed a state budget?

14 SENATOR DOLLINGER: I believe
15 this body has. Not with my support, but I
16 believe it has passed a version of the state
17 budget.

18 SENATOR NOZZOLIO: Certainly we
19 would have liked your support, Senator, but I
20 understand -

21 SENATOR DOLLINGER: It didn't
22 have the stadium in it. I couldn't vote for it.

23 SENATOR NOZZOLIO: -- that this

1 house has passed -

2 SENATOR DOLLINGER: Oh, excuse
3 me.

4 SENATOR NOZZOLIO: -- a state
5 budget, but the other has not. Is that
6 correct?

7 SENATOR DOLLINGER: That is my
8 understanding.

9 SENATOR NOZZOLIO: So we do not
10 have a final state budget at this point, do we
11 Senator?

12 SENATOR DOLLINGER: I don't
13 believe so, and I think it becomes more
14 difficult for us to get one when you vote a
15 capital budget one day and the very next day you
16 announce that you're going to do economic
17 development which has a direct effect on our
18 capital needs in this state. I regard that as
19 hypocritical.

20 SENATOR NOZZOLIO: Senator, you
21 believe in an open budget process, do you not?

22 SENATOR DOLLINGER: I do.

23 SENATOR NOZZOLIO: What we're

1 attempting to do is, and the Majority Leader has
2 made it very clear in every statement he's made
3 on this issue, that we are proposing these
4 projects openly, not behind closed doors, not
5 three men in a room, not to hide them from the
6 public. We are putting them on the table in
7 front of everyone now before there is a final
8 state budget; because, as I understand it, the
9 budget negotiations are continuing.

10 Do you have any word to the
11 contrary that they are not continuing?

12 SENATOR DOLLINGER: Through you,
13 Mr. President. I don't know whether they are
14 continuing. As you know, I don't participate.

15 What I will do is I think it's
16 very confusing to our colleagues in the Assembly
17 and to our Governor on the second floor when
18 this body passes a budget one day that takes out
19 a bunch of capital projects, takes out SPAC,
20 takes out the natatorium, and the very next day,
21 before the ink is dry, announces it's not part
22 of the budget; it's economic development and,
23 therefore, it's something different.

1 That's kind of what I regard as
2 open -- perhaps open budgeting process and back
3 room hypocrisy is what drives our colleagues in
4 the Assembly and, frankly, the Governor and I
5 believe everybody in this state crazy about this
6 process.

7 ACTING PRESIDENT DeFRANCISCO:
8 Senator Nozzolio.

9 SENATOR NOZZOLIO: Will Senator
10 Dollinger continue to yield?

11 SENATOR DOLLINGER: I will, Mr.
12 President.

13 SENATOR NOZZOLIO: Senator
14 Dollinger, it is my understanding the Assembly
15 has yet to pass a capital budget. They have not
16 enacted a project-by-project budget for our
17 consideration. However, the Assembly, as I
18 understand it, has put in an amendment on
19 stadium and other project funding. Among -
20 some of those projects are listed here,
21 particularly those in Rochester. Some have been
22 directly excluded that were in the Governor's
23 budget in the first instance, like a project in

1 Auburn, like a project in Binghamton, in my
2 opinion, for crass political purposes. What
3 we're suggesting is that we put our project list
4 on the line and put it before the public, put it
5 before this house and enact it as part of our
6 negotiating strategy. How possibly could you be
7 opposed to that?

8 SENATOR DOLLINGER: Mr.
9 President, through you. What I am opposed to is
10 that you put your list before the people of this
11 state last Wednesday. You approved a capital
12 budget that didn't have the War Memorial or the
13 new stadium in it. So you tell everybody in the
14 state we're not going to fund these projects
15 this year; and then with the other hand, you are
16 out issuing an economic development piece that
17 says we want to fund them. Frankly, I can't
18 understand which side of the mouth the Senate
19 Majority is talking with when it comes to
20 economic development projects. One mouth, one
21 hand, one side says, "We don't want these." The
22 other side says, "Please give us these." No
23 wonder people are confused.

1 SENATOR NOZZOLIO: Mr.
2 President. Will Senator Dollinger continue to
3 yield?

4 SENATOR DOLLINGER: I will.

5 ACTING PRESIDENT DeFRANCISCO:
6 Senator Dollinger yields.

7 SENATOR NOZZOLIO: Thank you, Mr.
8 President.

9 Senator, are you aware -- I'm not
10 sure, you may not be aware. From your comments,
11 you don't appear to be aware that there is a
12 funding mechanism in this budget bill. Although
13 it's not technically a budget bill, this bill
14 before us has in it not just a project list but
15 a revenue stream list, a funding list. Doesn't
16 that really answer the question that you are
17 objecting to, that we have a funding list
18 identified along with a project list?

19 SENATOR DOLLINGER: Mr.
20 President. If that were the case, why isn't it
21 in the capital budget? Why? If it's balanced,
22 put it in the capital budget. I suspect and, lo
23 and behold, I haven't been here long enough to

1 know, but I'll just suspect. I'll suspect that
2 the Majority of this house wanted to pass a
3 budget that would back the Governor and look
4 tough on spending, and the reason why this
5 wasn't in the budget is because if you put this
6 in the budget you wouldn't look as tough as you
7 want to appear to be.

8 SENATOR NOZZOLIO: Was that a
9 rhetorical question, or may I answer that?

10 SENATOR DOLLINGER: That's
11 rhetorical. I will let Senator Nozzolio answer
12 it.

13 ACTING PRESIDENT DeFRANCISCO: I
14 forgot who's got the floor.

15 SENATOR DOLLINGER: So have I,
16 Mr. President.

17 SENATOR NOZZOLIO: Senator,
18 answering your question, which I think is a
19 question that certainly can be answered. We do
20 not have a budget yet. There is nothing cast in
21 stone. This is a fluid part of the
22 negotiations, albeit unprecedented, because we
23 have never had an opportunity until Senator

1 Bruno became Majority Leader to actually place
2 the negotiation process before the public.

3 This is not a cast-in-stone
4 budget. We are making a legitimate attempt to
5 list not only the capital projects we would like
6 to see above and beyond what the Governor has
7 already agreed to, we are taking a position in
8 this house that a capital project list above
9 what the Governor has suggested should be
10 considered by our Legislature.

11 You, yesterday, were railing on
12 the fact that the Legislature was abdicating
13 responsibility. Our Senate is taking
14 responsibility for forming a budget. We have
15 agreed with the Governor, but we also believe
16 that if this revenue is adopted that we think
17 this should be part of the budget
18 consideration.

19 Senator, your argument falls down
20 because you superimpose that a budget is agreed
21 on. There is no agreement on a budget. We're
22 saying we want to forge that agreement and,
23 frankly, we want to forge that agreement with

1 projects that are very important to the area
2 where you and I serve.

3 ACTING PRESIDENT DeFRANCISCO:
4 Senator Nozzolio, is there a question there?

5 SENATOR NOZZOLIO: That was my
6 answer to Senator Dollinger's nonrhetorical
7 question.

8 ACTING PRESIDENT DeFRANCISCO:
9 All right. At this point, Senator Dollinger has
10 the floor.

11 SENATOR DOLLINGER: I think
12 Senator Nozzolio's question highlights the
13 problem that the people of this state have when
14 the Senate Republicans say, "We have done our
15 work; we've finished the budget." Senator
16 Nozzolio acknowledges it's fluid. It's moving.
17 It's a moving target.

18 It's moving so fast that on one
19 day last week we sent a budget bill over to the
20 Assembly that said, "We don't want the
21 stadiums. We don't want them. We don't want
22 the pool. We don't want SPAC. We don't want
23 the MMA. We don't want them." The very next

1 moment there is a press conference in which they
2 announce, "We really do. We really want them.
3 We would love to have them. We're going to call
4 it economic development."

5 But imagine the confusion in the
6 other house. Imagine our colleagues in the
7 Assembly who are trying to fashion a budget, and
8 they get a budget bill that says, "no stadiums."
9 And then they get a press release that says, "We
10 want stadiums." Then they get a budget bill
11 that says, "no SPAC." Then we get one that
12 says, "Yes, we want SPAC." Imagine how confused
13 they must be when they sit down at the table and
14 try to figure out what was really wanted.

15 Mr. President. I consider this
16 one of the easiest votes you will ever get in
17 this chamber. Please, all of my colleagues,
18 vote for economic development. Stand up with
19 the legacy that Senator Bruno articulated of
20 Franklin Delano Roosevelt. Approve projects
21 that will help our state. Approve projects that
22 will improve the possibility for jobs in this
23 state. Take advantage of that.

1 Put the laundry list back in.
2 Approve handicapping tournaments for bettors at
3 OTB. I'm not sure what that will approve, but
4 approve that, too; and, also, cut almost every
5 tax you can find. What a wonderful thing. We
6 get to spend more money, we get to cut more
7 taxes, and it's all done without even worrying
8 about its affect on the budget.

9 Believe me, I think this is the
10 greatest opportunity you can have. Vote for
11 lower taxes, vote for increased spending. It
12 seems to be that everything we do in this house
13 involves both of those. It may be -- some may
14 say it's basely hypocritical. Not me. I'm
15 ready to vote to cut taxes and increase
16 spending. Let's do it.

17 ACTING PRESIDENT DeFRANCISCO:
18 Senator Stachowski.

19 SENATOR STACHOWSKI: Could I have
20 somebody to answer some questions on the horse
21 raising section of this? Would it be Senator
22 Bruno, or would it be somebody else? On the
23 horse section, I would like you to walk me

1 through that.

2 ACTING PRESIDENT DeFRANCISCO:

3 Senator Bruno. Would you yield to a question?

4 SENATOR BRUNO: Senator -

5 SENATOR STACHOWSKI: Senator, if
6 you wait a minute, your guy is coming.

7 SENATOR BRUNO: Mr. President. I
8 would be happy to attempt to answer the
9 questions.

10 SENATOR STACHOWSKI: Mr.
11 President. First, could you -- in this bill,
12 which is rather extensive, this part of the
13 section on horse racing, can you tell me how
14 NYRA will benefit?

15 SENATOR BRUNO: Generally, NYRA
16 will benefit by lowering the taxes they pay on
17 the money that is bet to the state. They will
18 benefit because they get to retain more of that,
19 and there will also be some of the money that
20 will instead of coming in as taxes will go back
21 to the bettors that will stimulate the betting
22 activity that will increase the revenue.

23 NYRA has been functioning at

1 something -- depending on what numbers you use,
2 from a \$9-15 million a year deficit. This will
3 help close that deficit so their cash flow at
4 least will be balanced. That's the intent here.

5 ACTING PRESIDENT DeFRANCISCO:
6 Senator Stachowski.

7 SENATOR STACHOWSKI: Mr.
8 President. If Senator Bruno will yield again?
9 Can you tell me, then, how will OTB benefit from
10 this?

11 SENATOR BRUNO: OTB, as you know,
12 is stimulated by people's opportunities to bet.
13 There will be more races that will go through
14 the OTB parlors and the simulcast that they get
15 most of the revenue from will be broadened
16 somewhat so they will benefit.

17 SENATOR STACHOWSKI: Mr.
18 President. If Senator Bruno will yield again?

19 SENATOR BRUNO: Yes, Mr.
20 President.

21 SENATOR STACHOWSKI: How will the
22 harness tracks benefit from this particular
23 legislation?

1 SENATOR BRUNO: They run, as you
2 know, simulcasts at their facilities as well as
3 races. They will have more opportunities to
4 derive revenue from increased exposure from
5 other races out of state, and they are quite
6 pleased with what is in this bill in terms of
7 helping them get additional revenues because
8 they are in desperate straits, as well.

9 SENATOR STACHOWSKI: Mr.
10 President.

11 ACTING PRESIDENT DeFRANCISCO:
12 Senator Stachowski.

13 SENATOR STACHOWSKI: If Senator
14 Bruno will yield again?

15 SENATOR BRUNO: Yes, Mr.
16 President.

17 SENATOR STACHOWSKI: How, in this
18 bill, will Finger Lakes benefit? Because, as
19 you know, they are separate from the harness
20 tracks and they are also separate from NYRA.

21 SENATOR BRUNO: Mr. President.
22 They will have additional races and more money
23 will be driven to the purses there because they

1 will have opportunities to have additional
2 racing occasions.

3 SENATOR STACHOWSKI: If Senator
4 Bruno would yield again?

5 SENATOR BRUNO: Yes, Mr.
6 President.

7 SENATOR STACHOWSKI: And the fact
8 that both Finger Lakes and the harness tracks
9 don't get a direct tax break on the amount taken
10 out of their bets doesn't make any difference to
11 them?

12 SENATOR BRUNO: Well, they
13 participated, and they recognize this, last year
14 in the cuts that they got last year, and they
15 are very appreciative because it helped them
16 balance their books and go forward, so they have
17 been party to all the negotiations that were
18 part of the process to put this package together
19 and they have signed off on this, Mr. President,
20 and we all recognize that we can't make all
21 parties 1,000 percent happy. It doesn't
22 represent everyone getting everything that they
23 would like to have happen, but they have signed

1 off and feel that this helps them a great deal.

2 SENATOR STACHOWSKI: Mr.

3 President. I have two last questions.

4 SENATOR BRUNO: Yes, Mr.

5 President.

6 SENATOR STACHOWSKI: If that's

7 okay. One at a time, obviously.

8 Mr. President. Can Senator Bruno

9 answer how are the horsemen treated in this?

10 Are they happy with this? Do they get better

11 treatment?

12 ACTING PRESIDENT DeFRANCISCO:

13 Senator Bruno.

14 SENATOR BRUNO: The Thoroughbred

15 horsemen get about 15 million more in terms of

16 their activities and their anticipation that's

17 made available through purses and the other

18 activities that benefit them.

19 SENATOR STACHOWSKI: The one last

20 question, is there any effect on the New York

21 breeders in this, or they are not touched by

22 this at all, or there is no benefit?

23 ACTING PRESIDENT DeFRANCISCO:

1 Senator Bruno.

2 SENATOR BRUNO: There is about
3 500,000 that's of immediate benefit to them;
4 but, Mr. President, you all recall that we did a
5 very special bill last year for the breeders
6 that enhanced their ability to thrive here in
7 this state. We did some things for them that
8 was against the better judgment of some people,
9 allowing brood mares to be out of state and be
10 bred out of state and still qualify as New York
11 bred, and all of that took place last year, and
12 that was at their recommendation and direction.
13 So this year, they get some help. It's
14 minimal. They are not jumping with joy because,
15 of course, every year they would like to be like
16 to be visited, and they would like their lives
17 to be made more profitable. We would like to do
18 that. But the attitude was that we helped them
19 the most last year, so this year we ought to
20 broaden it, and that's what this bill reflects,
21 but there is some help for them and, Mr.
22 President, there is the ongoing help that I just
23 described from last year.

1 ACTING PRESIDENT DeFRANCISCO:

2 Senator Stachowski.

3 (There was no response.)

4 Senator Onorato.

5 SENATOR ONORATO: Mr. President.

6 Would Senator Bruno yield to a couple of simple
7 questions from a nonattorney?

8 SENATOR BRUNO: If they are
9 simple questions. I doubt it coming from my
10 learned colleague, but I will try and answer
11 them.

12 SENATOR ONORATO: No, I think
13 these are very simple. They have to be simple
14 coming from me.

15 Senator Bruno, I understand
16 originally we passed a budget bill last week for
17 approximately \$63 billion.

18 SENATOR BRUNO: Mr. President.
19 It was 62 billion point 900 million and some
20 change.

21 SENATOR ONORATO: I stand
22 corrected.

23 We offered a few amendments to

1 make some restorations and were told at that
2 particular time, "Where are you going to get the
3 money?" Lo and behold, this week we found that
4 there was another \$449 million added to the
5 original budget that we passed. We are just
6 attempting to make another tax cut of about \$80
7 million or \$90 million for this particular
8 bill. Wouldn't it be much more advantageous to
9 us now to delay this budget? Because it seems
10 that every day we're finding more and more money
11 revenue to spend. Maybe if we go another month,
12 we will wipe out the deficit completely.

13 (Laughter.)

14 ACTING PRESIDENT DeFRANCISCO:

15 Senator Bruno.

16 SENATOR BRUNO: And then the
17 Senator woke up and recognized that he was
18 having a wonderful dream.

19 Senator, let's all just be clear
20 on what we've done so far, okay, because this is
21 important, and thank you for the question. It's
22 just as we rehearsed it.

23 (Laughter.)

1 We -- on March 31, Senator, we
2 passed a balanced budget. That budget increased
3 spending by \$335 million. The Governor
4 submitted a budget of 62.6. We added 335
5 million, making it the 62.935, approximately.

6 Now, where did that money come
7 from, Mr. President? Where did we find the \$335
8 million? We found it at the table negotiating
9 with your Leader, Speaker Silver, the Governor,
10 and "Rap" Rappleyea, the leader of the Minority
11 in the Assembly. We agreed that next year there
12 will be approximately 300 million in additional
13 revenues to the state based on the best thinking
14 and the best forecasts. We all agree that is
15 realistic and reasonable. The other 35 came
16 from reestimating the lottery receipts, and we
17 agreed that that was a minimum number. We think
18 there is more than that. The Speaker thought
19 there was 130 million. The Governor thought
20 there was 25 million. We know the best number
21 is 60 million, but we couldn't agree on it. So
22 we took the minimum 35 million. We put that in
23 the budget.

1 Mr. President. That's 335
2 million, and we spent 499 million. Where did
3 the difference come from? We moved some
4 additional cuts and moved the money into
5 restorations in Medicaid, in school aid, in
6 higher ed aid, 164 million. 164 million, 335,
7 makes 499, and that's exactly what we passed on
8 March 31 for the people of this state. You were
9 in the chamber. Such a great service by
10 debating those bills and helping us make the
11 point whether you supported them or not. So we
12 thank you for that participation.

13 But, Senator, you now ask where
14 does this additional money come from? The
15 Speaker has said over and over, he thinks that
16 there is anywhere from 300 million to... pick a
17 number, because we're trying still to get it
18 from him. He still hasn't given us his
19 numbers. He thinks there is 300 million to a
20 billion in additional revenue that has not been
21 agreed on or verified, and I mentioned earlier
22 that he thinks there is 80-100 million in
23 revenue from sales taxes that aren't being paid

1 from Indian reservations that are legally due
2 the state. For example, he thought there was
3 about 150 million at UDC sitting there idle,
4 waiting for us to use it, okay, to jump at it.

5 He thinks that, for instance, in
6 Medicaid that the spending is overestimated.
7 That it's really not what is in the Governor's
8 budget. He thinks it's about a \$275 million
9 number; and we thought it was 100; the Governor
10 thought it was a hundred; and that was part of
11 the 499.

12 That, Senator, is where the money
13 will come from to fund the 50 million and the 80
14 million in restorations, the 95 million that we
15 deal with in this which represents an
16 investment.

17 Once the leaders agree -- and I'm
18 sure you are going to agree, Senator, that
19 Speaker Silver if he thinks there is 300 million
20 to... you name the number, there must be 95
21 million; and once we agree on a number, what we
22 are saying is, the first 95 million has to go to
23 create jobs, and the Speaker has said that his

1 priority in this state is the same as ours,
2 create jobs.

3 So, he wants to create jobs. We
4 want to create jobs. The Governor wants to
5 create jobs. The first 95 million that we agree
6 on ought to go to our first priority that we all
7 agree on, to create jobs; and, Mr. President, I
8 am sure the good Senator will agree with that.

9 ACTING PRESIDENT DeFRANCISCO:
10 Senator Paterson, why do you rise?

11 SENATOR ONORATO: If you will
12 continue to yield?

13 ACTING PRESIDENT DeFRANCISCO:
14 Senator Onorato.

15 SENATOR BRUNO: Yes, Mr.
16 President.

17 SENATOR ONORATO: Senator Bruno,
18 what about the Keno money? We haven't passed
19 anything dealing with Keno, but I believe the
20 projected Keno money is a part of this budget.
21 Is that a fact?

22 SENATOR BRUNO: Mr. President.
23 My very learned colleague must know something

1 that I don't know. I don't believe that Keno is
2 even proposed in the Governor's budget, Mr.
3 President. Has it been?

4 SENATOR ONORATO: Quickdraw.

5 SENATOR BRUNO: Oh, Quickdraw.

6 Yes, Quickdraw. Not Keno, Mr. President.
7 Quickdraw is in the budget. We have used that
8 115 in the budget. We used it to balance the
9 budget.

10 SENATOR ONORATO: We haven't
11 passed a bill to allow it.

12 SENATOR BRUNO: No. We did that
13 on purpose. Mr. President. I am pleased that
14 the Senator has recognized that we did not pass
15 the specifics of implementing that legislation
16 because we are still discussing that in our
17 conference, but we have told the Governor, the
18 Speaker, that if that 115 million in our
19 balanced budget is not there, then we will be
20 back in this house with additional cuts, or we
21 will then use some of this money that the
22 Speaker says he is certain is there and that he
23 is holding out for. We will fill that 115 with

1 that money that the Speaker will find for us,
2 and we will be indebted to him if we can't pass
3 it.

4 ACTING PRESIDENT DeFRANCISCO:
5 Senator Onorato.

6 SENATOR ONORATO: Mr. President.
7 It would be safe to assume that my question was
8 correct, that this budget is not balanced.

9 SENATOR BRUNO: No, Mr.
10 President, that is not correct because we have
11 created the legislation indicating that the
12 revenue will be there. The specifics of the
13 Article 7 bill we didn't pass, and that's a
14 second step for us to be specific. So that is
15 not correct.

16 It is, unfortunately, political
17 rhetoric to say that we don't have a balanced
18 budget. It is not a fact. It is not accurate.

19 What is accurate is that we did
20 not do the Article 7 bills that specifically
21 show the implementation. I've asked the
22 Speaker, "Is Quickdraw alive in your house?" He
23 says it's alive, and I believe him, and I say,

1 "Do you think you can pass it?" and he says he
2 believes he can.

3 Well, Mr. President, at the
4 appropriate time we will do whatever is
5 necessary to be specific, but that money is
6 there, and that budget was balanced, and you can
7 be comfortable with that, and you can sleep well
8 and have very pleasant dreams thinking about
9 that.

10 ACTING PRESIDENT DeFRANCISCO:
11 Senator Onorato.

12 SENATOR ONORATO: Again, you've
13 totally confused me again. You're telling me
14 that if we bet on this horse next week and it
15 wins, we will have the money for it; but if the
16 horse loses, we're right back where we started
17 from. That's the only way that I can analyze
18 it, Senator Bruno.

19 Again, I'm not involved in your
20 budget part; but as a layman, I think I probably
21 speak on behalf of the laymen that I represent
22 in my district, and these are some of the
23 questions that they would like answered.

1 SENATOR BRUNO: Mr. President.

2 We have to recognize that among the greatest
3 beneficiaries of this economic development
4 package are the bricklayers of this state, and
5 those bricklayers are imploring us to do this
6 bill.

7 I just share that with you.

8 ACTING PRESIDENT DeFRANCISCO:
9 Senator Paterson.

10 SENATOR PATERSON: Thank you, Mr.
11 President.

12 What I think we really need to
13 put a stop to once and for all is just this
14 discussion of whether or not we have passed or
15 not passed a budget. We have not passed a
16 budget. The only difference between the Senate
17 and the Assembly is that the Senate, this house,
18 has put on the table some negotiations and,
19 really, some programs that are empty in the
20 sense that there is really no specific
21 discussion of the funding or, in some cases, the
22 funding exists but we don't know what the
23 program is.

1 If it's going to be that
2 slipshod, I really would suggest that we do
3 something more responsible, such as what the
4 Assembly is doing, which is just negotiating not
5 in any way really pandering.

6 But since Senator Dollinger
7 earlier advised us that this is a good bill,
8 what we have just decided -- what I have decided
9 is to issue an amendment.

10 And with the assistance of some
11 underpaid superstars of our Finance Committee,
12 we have an amendment which is at the desk, Mr.
13 President?

14 ACTING PRESIDENT DeFRANCISCO: It
15 is at the desk.

16 SENATOR PATERSON: Thank you. I
17 waive its reading and will just describe it as
18 some of the great benefits that would actually
19 be conferred upon many of Senator Onorato's
20 constituents. As Senator Dollinger was saying
21 before, since we have this opportunity, we
22 should actually use it.

23 It is that kind of enlightened

1 thinking, by the way, that I think that former
2 Senator Roosevelt used to go on and become
3 President, and I think he was probably
4 hoodwinked and cajoled in this chamber the same
5 way that Senator Dollinger has been on occasion,
6 so maybe you may not see the wisdom in what he's
7 saying right now, but, years later, you will be
8 able to tell many of your offspring that you
9 served with Senator Dollinger.

10 (Laughter.)

11 ACTING PRESIDENT DeFRANCISCO:
12 Senator Paterson to explain the amount.

13 SENATOR SKELOS: Senator
14 Paterson, will you yield?

15 ACTING PRESIDENT DeFRANCISCO:
16 Senator Skelos.

17 SENATOR SKELOS: Are you
18 suggesting that Senator Dollinger is planning to
19 leave this chamber and seek higher office?

20 ACTING PRESIDENT DeFRANCISCO:
21 Senator Paterson.

22 SENATOR PATERSON: Only the
23 highest of offices and with your endorsement,

1 Senator, I think that he may get there.

2 SENATOR PATERSON: This amendment
3 is really one that would roll back and eliminate
4 a number of taxes and fees that have been
5 imposed or initiated since 1989, many of which
6 were in the 1990 tax bill which this Conference
7 voted against. It is really these types of
8 taxes that are causing the greatest economic
9 disincentive to the state and it is to the
10 little people of the state not to corporations.

11 What we would do is actually roll
12 back and reduce 33 taxes and eliminate 7 of
13 them. We eliminate the tax on the transfer of
14 ownership of automobiles, the tax for the
15 registration of automobiles. We eliminate the
16 tax on insurance for automobiles. Also, we are
17 eliminating the tax for farm commissaries and
18 for child abuse research, which is one that
19 never should have existed in the first place.
20 We also are going to reduce the taxes on
21 marriage licenses, death certificates, and the
22 like; and so I offer this amendment at this
23 time, Mr. President.

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ACTING PRESIDENT DeFRANCISCO:

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

SENATOR PATERSON: Party vote in
the affirmative.

SENATOR BRUNO: Party vote, Mr.
President, in the negative.

And if I might just add this
comment that we on this side of the aisle
support everything that is in that package, and
I want to speak to the record in that
recognition, and I applaud my colleagues on that
side of the aisle for being so diligent and
specifically recognizing the disasters of the
past 12 years of the Cuomo administration, and I
respectfully suggest that we have to be in the
negative because they didn't give us that 24
hours notice that they always would like to have
on this amendment on that side of the aisle, and
they didn't do that so, procedurally, we can't
be in the affirmative, Mr. President. That
makes me feel very badly; and, further, had we
had this list yesterday, we would have added to

1 the list many things that you have missed and
2 that you then could have been voting on
3 something that would have been even more
4 meaningful.

5 So respectfully, we must be in
6 the negative, and I feel badly about that.

7 ACTING PRESIDENT DeFRANCISCO:
8 Senator Paterson.

9 SENATOR PATERSON: Mr.
10 President. I don't feel so badly about that,
11 because we are still in budget negotiation and
12 the Majority Leader has now put on the record
13 that he would like to see these tax cuts put
14 into the final budget, and I'm sure he knows
15 from whence they came. This is the type of
16 cooperation that we would like to have.

17 We could lay this bill aside for
18 a day, Mr. Majority leader, and we could come
19 back, and at that time -

20 He doesn't want to lay this bill
21 aside for the day. Well, that's all right. As
22 long as the point is made that if we are going
23 to be cutting taxes for corporations, cutting

1 taxes for businesses that may be housed in -
2 somewhere, we don't know where it is, but we
3 know how much money it's going to cost, and
4 we'll appropriate it, but we will wait until
5 negotiations later on, that we're going to do
6 something for the little people of the state,
7 people who are registering their cars, people
8 who have to pay tax for the transfer of
9 ownership of their cars, often parking permit
10 taxes, the parking taxes themselves.

11 We're happy to know that we have
12 the support of everyone here in the house on
13 those particular issues; and so since the
14 amendment was defeated, Mr. President, I'm glad
15 to see the staff got paid today. I guess I won
16 that round; and with that, I will retire.

17 ACTING PRESIDENT DeFRANCISCO:
18 Senator Leichter, why do you rise?

19 SENATOR LEICHTER: Mr.
20 President.

21 ACTING PRESIDENT DeFRANCISCO:
22 Yes.

23 SENATOR LEICHTER: To explain my

1 vote, please.

2 ACTING PRESIDENT DeFRANCISCO:

3 Well, I believe the Secretary has not completed
4 taking the party line vote as yet.

5 Would you please call the roll
6 and take the party line vote.

7 (The Secretary called the roll.)

8 SENATOR LEICHTER: Call my name,
9 please, Mr. President.

10 ACTING PRESIDENT DeFRANCISCO:

11 Please take the party vote first, and then you
12 can explain your vote.

13 THE SECRETARY: Ayes 23. Nays
14 35. Party vote.

15 ACTING PRESIDENT DeFRANCISCO:

16 The amendment is defeated.

17 To explain your vote, Senator
18 Leichter.

19 SENATOR LEICHTER: Thank you, Mr.
20 President. I must say I feel somewhat dizzy
21 having listened to this debate and the Majority
22 Leader. If I understand his position on this
23 amendment is that he thinks it's an excellent

1 amendment. It's something that all the
2 taxpayers of the State of New York and the
3 people of the State of New York are entitled to,
4 but he won't give them this benefit because he
5 is going to insist on the procedural ground that
6 not having had 24 hour notice, he is telling the
7 people of the State of New York you can't have a
8 benefit that he thinks they ought to have.

9 I just want to say we are trying
10 to compete with you in irresponsibility but
11 we're no match for you whatsoever. We've tried,
12 but you are much better. When it comes to
13 irresponsibility, I've got to say we're novices
14 here but we're trying.

15 Mr. President. I vote in the
16 affirmative.

17 SENATOR WALDON: Mr. President.

18 ACTING PRESIDENT DeFRANCISCO:
19 Why do you rise?

20 SENATOR WALDON: To explain my
21 vote. Very briefly, Mr. President.

22 ACTING PRESIDENT DeFRANCISCO:
23 This is to explain your vote on the amendment;

1 correct?

2 SENATOR WALDON: That's correct.

3 ACTING PRESIDENT DeFRANCISCO:

4 All right. Please, Senator Waldon to explain
5 his vote.

6 SENATOR WALDON: Mr. President
7 and my colleagues. I thought when our
8 distinguished Majority Leader spoke to Quickdraw
9 and said that if we were short in terms of
10 balancing the budget that we would come back and
11 do something else, I wonder what that would be.
12 I heard whispered in the background that maybe
13 we would have a contrast to Quickdraw. It would
14 be "slow draw". I don't know, but because of
15 the positive side of Senator Paterson's
16 amendment, I have to vote with Senator Paterson
17 on this issue.

18 ACTING PRESIDENT DeFRANCISCO:
19 Please read the last section on Calendar 353.

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

22 ACTING PRESIDENT DeFRANCISCO:
23 Please call the roll.

1 (The Secretary called the roll.)

2 SENATOR CONNOR: This is on the
3 main bill. Slow roll call.

4 ACTING PRESIDENT DeFRANCISCO:
5 The Secretary will read the roll slowly.

6 THE SECRETARY: Senator Abate.

7 SENATOR ABATE: No.

8 THE SECRETARY: Senator Babbush.

9 (There was no response.)

10 Senator Bruno.

11 SENATOR BRUNO: Yes.

12 THE SECRETARY: Senator Connor.

13 SENATOR CONNOR: Mr. President.

14 To explain my vote. I'm going to vote against
15 this bill because, frankly, it's nothing but an
16 empty political exercise on the part of the
17 Majority. When this bill first surfaced last
18 week, I was asked by a reporter if there was any
19 pork in it. I said there was enough pork to
20 make sausage for the whole state, but it's not
21 just because there are local projects in here.
22 There are tax cuts that will balloon; and I feel
23 very, very strongly we have a budget deficit

1 this year, and everybody in this budget process
2 is struggling to close that deficit.

3 Somewhere between \$4 billion and
4 \$5 billion it's been reported as, or claimed,
5 and it ought to be our job to close that
6 deficit, pass a balanced budget and not create
7 future deficits which these ballooning tax cuts
8 would do. I support doing something about
9 getting rid of taxes like the petroleum business
10 tax, and getting rid of -- I'm not a fan of
11 gross receipts taxes and things like that, but I
12 think we have to be fiscally responsible. We
13 have to balance this year's budget and not
14 create structural deficits in the future; and I
15 asked the Governor -- when this surfaced last
16 week, I asked the Governor, "Do you support
17 this?" Because if you will recall, last week,
18 the Majority is putting out a budget that they
19 said they had agreement on. The Governor and
20 the Majority did a budget last week, and now we
21 have a bill that the Governor doesn't support.
22 He said, "I don't support that." In fact,
23 Senator Bruno said we have one-way agreement on

1 it, namely, the Majority only in this house, and
2 I don't think that's a responsible way to go
3 about this budget process.

4 You can call it anything you
5 want, but this spends money, cuts taxes, changes
6 tax laws, and in one way or another spends money
7 whether by bonding or otherwise. That looks
8 like a budget bill to me, and I don't think it
9 has any place at this stage of the debate, since
10 it doesn't even have the support of the Governor
11 much less anyone in the other house.

12 ACTING PRESIDENT DeFRANCISCO:
13 How do you vote?

14 SENATOR CONNOR: No.

15 ACTING PRESIDENT DeFRANCISCO:
16 Please continue the roll call.

17 THE SECRETARY: Senator Cook.

18 SENATOR COOK: Yes.

19 THE SECRETARY: Senator
20 DeFrancisco.

21 SENATOR DeFRANCISCO: Yes.

22 THE SECRETARY: Senator DiCarlo.

23 SENATOR DiCARLO: Aye.

1 THE SECRETARY: Senator
2 Dollinger.

3 SENATOR DOLLINGER: To explain my
4 vote, Mr. President.

5 ACTING PRESIDENT DeFRANCISCO:
6 Senator Dollinger to explain his vote.

7 SENATOR DOLLINGER: The logic of
8 this bill reminds me of the old adage from
9 Catch-22. I think it was Milo Milabender. He
10 could buy eggs for a nickel, sell them for 3
11 cents, and make a penny, and I've never
12 understood that logic. I don't understand the
13 logic of this; but, as I said before, you give
14 me the opportunity to vote for all kinds of tax
15 cuts which I don't have to pay for and all kinds
16 of projects which I don't have to pay for, many
17 of them very good, many of which I strongly
18 support.

19 Let's do it in a context of a
20 budget when we get serious. When we do it in
21 that serious vein, I will be voting in a way
22 that, at least from my point of view, I'll be
23 able to say to the people of my district, I've

1 done the right thing on this. I'm going to vote
2 in the affirmative. I'm going to take the
3 opportunity, gentlemen. I hate to pass it up.
4 There are some good things in this, but I think
5 we need to get serious, and let's start doing
6 that. I'm voting in the affirmative.

7 ACTING PRESIDENT DeFRANCISCO:
8 Senator Dollinger in the affirmative.

9 Please continue the roll call.

10 THE SECRETARY: Senator Espada.

11 SENATOR ESPADA: No.

12 THE SECRETARY: Senator Farley.

13 SENATOR FARLEY: Aye.

14 THE SECRETARY: Senator Galiber.

15 (There was no response.)

16 Senator Gold.

17 (There was no response.)

18 Senator Gonzalez.

19 (There was no response.)

20 Senator Goodman, excused.

21 Senator Hannon.

22 SENATOR HANNON: Yes.

23 THE SECRETARY: Senator Hoblock

1 voting in the affirmative earlier today.

2 Senator Hoffmann, excused. Senator Holland.

3 SENATOR HOLLAND: Yes.

4 THE SECRETARY: Senator Johnson.

5 SENATOR JOHNSON: Aye.

6 THE SECRETARY: Senator Jones.

7 SENATOR JONES: To explain my

8 vote.

9 ACTING PRESIDENT DeFRANCISCO:

10 Senator Jones to explain her vote.

11 SENATOR JONES: I, too, want to
12 say thank you for this opportunity to cut taxes
13 and do all these wonderful things. Sometimes in
14 life you have to accept something on faith
15 alone, so I'm just here to say I have faith in
16 you. I expect this money is going to turn up,
17 so I will be waiting until I see it, but I will
18 certainly support you in the meantime. I vote
19 yes.

20 THE SECRETARY: Senator Jones in
21 the affirmative.

22 Senator Kruger.

23 SENATOR KRUGER: No.

1 THE SECRETARY: Senator Kuhl.

2 SENATOR KUHL: Aye.

3 THE SECRETARY: Senator Lack.

4 SENATOR LACK: Aye.

5 THE SECRETARY: Senator Larkin.

6 SENATOR LARKIN: Aye.

7 THE SECRETARY: Senator LaValle.

8 SENATOR LAVALLE: Aye.

9 THE SECRETARY: Senator Leibell.

10 SENATOR LEIBELL: Aye.

11 THE SECRETARY: Senator

12 Leichter.

13 SENATOR LEICHTER: Mr.

14 President. To explain my vote. I have some
15 advice for Senator Bruno. If this budget
16 impasse continues and we don't get paid and he
17 runs out of money, I know the perfect job for
18 him. Along Fifth Avenue, there's people that
19 play these little card games. They are called
20 three-card Monte, and he has shown much more
21 skill than any of these. I have listened to the
22 debate. I heard Senator Nozzolio say, "Well, of
23 course, we don't have a budget; nothing is

1 written in stone," meaning what you people did
2 on March 31, "Don't take us seriously. What?
3 Are you so foolish as to think that we actually
4 believed it?"

5 Then I heard Senator Bruno say,
6 Yes, we have a budget. It's a balanced budget,
7 but, of course, there's holes in it. Maybe
8 we'll do something about it. If we don't, we
9 will always turn to our friend the Speaker and
10 take whatever estimate that he comes up with;
11 and, of course, we've got to get rid of these
12 terrible taxes.

13 Wait a second. These are the
14 taxes that Senator Bruno and the Majority
15 enacted. Over the years, you guys enacted it.
16 Suddenly, they're so -- you know, they are so
17 terrible. So I can just say this is -- what we
18 have here, clearly, is a three-card Monte
19 budget.

20 Mr. President. I vote in the
21 negative.

22 ACTING PRESIDENT DeFRANCISCO:
23 Senator Leichter in the negative.

1 Please continue the roll call.

2 THE SECRETARY: Senator Levy.

3 SENATOR LEVY: Aye.

4 THE SECRETARY: Senator Libous.

5 SENATOR LIBOUS: Aye.

6 THE SECRETARY: Senator Maltese.

7 (There was no response.)

8 Senator Marcellino.

9 SENATOR MARCELLINO: Aye.

10 THE SECRETARY: Senator Marchi.

11 SENATOR MARCHI: Aye.

12 THE SECRETARY: Senator

13 Markowitz.

14 SENATOR MARKOWITZ: Mr.

15 President. I want to be as principled as I can,
16 like my colleagues who are fortunate enough to
17 have stadiums in their respective senatorial
18 districts if and when this ever becomes
19 reality. Let me just say that I represent a
20 borough of Brooklyn, 2.3 million people, perhaps
21 even more than that; and Senator DiCarlo, who I
22 am delighted has introduced legislation creating
23 a Brooklyn sports complex, we in Brooklyn with

1 2.3 million people have nothing but back lots,
2 empty lots, that we have to use as little mini
3 stadiums; and, to me, looking at the stadiums
4 that are being proposed throughout Upstate New
5 York, when the largest, most populated county in
6 the entire state hasn't even got one stadium, I
7 can't in good conscience vote for this bill as
8 much as those of you who have stadiums in your
9 conscience are voting for the bill.

10 I vote no.

11 ACTING PRESIDENT DeFRANCISCO:

12 Senator Markowitz in the negative.

13 Please continue the roll.

14 THE SECRETARY: Senator Maziarz.

15 SENATOR MAZIARZ: Yes.

16 THE SECRETARY: Senator Mendez.

17 SENATOR MENDEZ: No.

18 THE SECRETARY: Senator

19 Montgomery.

20 SENATOR MONTGOMERY: Mr.

21 President.

22 ACTING PRESIDENT DeFRANCISCO:

23 Senator Montgomery to explain her vote.

1 SENATOR MONTGOMERY: Yes, I would
2 like to explain my vote.

3 Mr. President. I'm voting
4 against this legislation and following what my
5 leader has so eloquently stated regarding the
6 structural deficit that this bill seems to be
7 leading to. We don't have -- at least I have
8 not had the privilege of seeing any analysis
9 that the Republicans may have had as to how much
10 this tax cut will cost us in addition to the tax
11 cut that the Governor is proposing, which we
12 estimate to be \$14 billion over the long period
13 of those tax cuts.

14 So I don't know what this does to
15 the budget, so that obviously is a major
16 problem; and then I look at this -- the
17 proposals for bonding 270 -- over \$270 million
18 that we are authorizing in bonding for obviously
19 some projects that many of us appreciate and
20 approve of. However, my question is, can we
21 afford this at this time as we look at a \$5
22 billion budget deficit in our state? This
23 bonding is stretched out over 30 years, and I

1 can't calculate how much it is going to cost us,
2 but I certainly can look around the room and I
3 know who's going to pay for it. Just look
4 around the room on the Republican side and on
5 the Democratic side and all of these young
6 people sitting along this wall and standing back
7 here, and all of those young people are going to
8 pay for it, not us. It's going to create a
9 deficit for them to have to deal with when they
10 are ready to buy their homes and send their
11 children to college and appreciate the quality
12 of life that we've always -- we've expected,
13 grown to expect and many of us have profited
14 by.

15 So that's what we're doing with
16 this proposal, and I'd just like to put on
17 record that this is a Republican proposal which
18 Democrats will be blamed for, will be blamed for
19 as big spenders. It's the social programs.
20 It's the welfare people in my district and
21 throughout this state. It's the poor old people
22 who are in the nursing homes. They will be
23 blamed for this that we're proposing today; and

1 even though it doesn't happen, I think we should
2 make note of where the proposal comes from.
3 It's the idea. It's the attitude that it
4 doesn't matter what we do right now because
5 someone else will pay for it; and when it comes
6 time for it to be paid for, it's the poor people
7 and the small people in this state and in this
8 nation who are going to pay for it.

9 I vote no.

10 ACTING PRESIDENT DeFRANCISCO:
11 Senator Montgomery in the negative. Please
12 continue the roll call.

13 THE SECRETARY: Senator Nanula.

14 SENATOR NANULA: Yes.

15 THE SECRETARY: Senator
16 Nozzolio.

17 ACTING PRESIDENT DeFRANCISCO:
18 Senator Nozzolio to explain his vote.

19 SENATOR NOZZOLIO: Thank you, Mr.
20 President, my colleagues. This house passed a
21 budget, but we do not have a final budget, and I
22 believe this step today is a way to put on the
23 table those investments that we seek to place in

1 our state.

2 There is so much of our state
3 budget that does not yield a return in terms of
4 additional job and economic development. We
5 have less manufacturing jobs today than we did
6 when Roosevelt was President; and,
7 unfortunately, that is Theodore Roosevelt. We
8 have less manufacturing jobs today than the
9 state of Alabama, a state that is much more
10 rural than New York. What this does is instill
11 a spark of investment into our economy that will
12 help in the jump-starting of the economy that we
13 so much want to see. A million dollars is
14 earmarked for the largest private sector
15 manufacturer within my district that will help
16 keep 1300 jobs in New York State, jobs that are
17 very seriously threatened to move to other
18 states.

19 Senator Bruno, the Governor, the
20 Speaker, are all negotiating a budget. We are
21 negotiating with our votes here in this body.
22 We are negotiating in public with the public
23 scrutinizing what we do because of the efforts

1 of our Majority Leader. This funding not only
2 puts stadia in Upstate New York, and that will
3 help economic development, but, most
4 importantly, it enhances the manufacturing base
5 by investing in our future.

6 Mr. President. It's a great step
7 in the right direction, and I fully support it.

8 I vote aye.

9 ACTING PRESIDENT DeFRANCISCO:
10 Senator Nozzolio in the affirmative.

11 Please continue the roll call.

12 THE SECRETARY: Senator Onorato.

13 SENATOR ONORATO: To explain my
14 vote.

15 ACTING PRESIDENT DeFRANCISCO:
16 Senator Onorato to explain his vote.

17 SENATOR ONORATO: Mr. President.
18 I do believe a great deal of merit is in this
19 bill, but I have a great deal of problems voting
20 for it only because of the fact that there is
21 too much "if" money in here, and that's \$110
22 million based upon the Quickdraw. If it doesn't
23 go through, we're going to raise false hopes in

1 most of our constituency who have had some of
2 their funding restored to the budget. If this
3 doesn't come through, we're going to have to
4 come back here again and tell them, "Well, we
5 made a mistake. We are going to have to
6 withdraw all of the restorations that we made to
7 the tune of another \$110 million; and until such
8 time that we can get an established amount of
9 money that we actually have on hand to spend I
10 can not support this legislation.

11 I vote no.

12 ACTING PRESIDENT DeFRANCISCO:

13 Senator Onorato in the negative.

14 Please continue the roll call.

15 THE SECRETARY: Senator

16 Oppenheimer.

17 SENATOR OPPENHEIMER: Yes.

18 THE SECRETARY: Senator Padavan.

19 SENATOR PADAVAN: Yes.

20 THE SECRETARY: Senator Paterson.

21 SENATOR PATERSON: No.

22 THE SECRETARY: Senator Present.

23 SENATOR PRESENT: Aye.

1 THE SECRETARY: Senator Rath.

2 SENATOR RATH: To explain my
3 vote.

4 ACTING PRESIDENT DeFRANCISCO:
5 Senator Rath to explain her vote.

6 SENATOR RATH: Mr. President, my
7 colleagues. It has been very interesting going
8 back to the district as we all did last weekend
9 for a day or two. I was fortunate enough to be
10 out, as it were, on the hustings and talking
11 with people that I have known for a long time,
12 and I have started a new opener when I start
13 conversations. I say to people who I know are
14 in business or involved, I start with "How's
15 business?" That's my question, "How's
16 business?"

17 Let me tell you what I got. Last
18 week I said this to a gentleman who is a CEO of
19 a very large manufacturing concern. He said,
20 "Business is great. It's never been better."
21 He said, "I can't tell you what's happening, but
22 it's wonderful."

23 The second business is a woman

1 owned business opened just a year ago. I'm not
2 really sure whether she had some help from the
3 state, but I wouldn't be surprised. She told me
4 about how hard she's working, but she's putting
5 people to work for her, added two or three more
6 employees, and it's going very, very well. She
7 said she was working very hard.

8 The third was one I thought,
9 "This is going to be a real negative, but I'm
10 going to ask it anyway." It's a small family
11 business that was an electronics business and
12 the father was a very proficient engineer and
13 everyone said he was the business.

14 Unfortunately, the man died very unexpectedly
15 and his two sons continued with the business,
16 and I said to the mother, "How is the business
17 going?" She said, "Well, my boys are working
18 two jobs but it looks like the electronics
19 business is going to come together. They are
20 getting more and more contracts."

21 That's the best news I have heard
22 in Western New York in a long, long time. Now,
23 whether there is a change in attitude starting

1 in New York State, I certainly hope so. Is it
2 because we have a Republican Governor? I don't
3 think it could happen that quickly, but what I
4 see us passing here today are more opportunities
5 and more incentives for business to take a
6 second look at New York State.

7 I ask you when you're out on the
8 hustings in your district, use that as an
9 opener. People who are in business, ask them,
10 "How's business?" I think it will be a really
11 interesting exercise.

12 I vote yes.

13 ACTING PRESIDENT DeFRANCISCO:
14 Senator Rath in the affirmative.

15 Please continue the roll call.

16 THE SECRETARY: Senator Saland.

17 SENATOR SALAND: Aye.

18 THE SECRETARY: Senator
19 Santiago.

20 SENATOR SANTIAGO: No.

21 THE SECRETARY: Senator Sears.

22 SENATOR SEARS: Aye.

23 THE SECRETARY: Senator Seward.

1 SENATOR SEWARD: Aye.
2 THE SECRETARY: Senator Skelos.
3 SENATOR SKELOS: Aye.
4 THE SECRETARY: Senator Smith.
5 SENATOR SMITH: No.
6 THE SECRETARY: Senator Solomon.
7 SENATOR SOLOMON: No.
8 THE SECRETARY: Senator Spano.
9 SENATOR SPANO: Aye.
10 THE SECRETARY: Senator
11 Stachowski.
12 SENATOR STACHOWSKI: Yes.
13 THE SECRETARY: Senator Stafford.
14 SENATOR STAFFORD: Aye.
15 THE SECRETARY: Senator Stavisky.
16 SENATOR STAVISKY: No.
17 THE SECRETARY: Senator Trunzo.
18 SENATOR TRUNZO: Yes.
19 THE SECRETARY: Senator Tully.
20 SENATOR TULLY: Aye.
21 THE SECRETARY: Senator Velella.
22 SENATOR VELELLA: Yes.
23 THE SECRETARY: Senator Volker.

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SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon.

SENATOR WALDON: (Indicating
no.)

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT DeFRANCISCO:
Please call the absentees.

THE SECRETARY: Senator Babbush.

SENATOR BABBUSH: No.

THE SECRETARY: Senator Galiber.

(There was no response.)

Senator Gold.

(There was no response.)

Senator Gonzalez.

(There was no response.)

Senator Maltese.

SENATOR MALTESE: Aye.

ACTING PRESIDENT DeFRANCISCO:
Results.

THE SECRETARY: Ayes 40. Nays
16.

ACTING PRESIDENT DeFRANCISCO:

1 The bill is passed.

2 Senator Bruno.

3 SENATOR BRUNO: Mr. President.

4 Is there any housekeeping at the desk that we
5 should deal with?

6 ACTING PRESIDENT DeFRANCISCO:

7 Yes, there is.

8 Senator Farley.

9 SENATOR FARLEY: Thank you, Mr.
10 President. On behalf of Senator Hannon, on page
11 24, I offer the following amendments to Calendar
12 Number 306, Senate Print 2086, and I ask that
13 that bill retain its place on the Third Reading
14 Calendar.

15 ACTING PRESIDENT DeFRANCISCO:

16 Amendments received, and I believe we have a
17 substitution.

18 THE SECRETARY: On page number
19 21, Senator Leibell moves to discharge, from the
20 Committee on Housing, Assembly Bill 5098, and
21 substitute it for its identical Senate Bill,
22 Calendar Number 277.

23 ACTING PRESIDENT DeFRANCISCO:

1 Substitution ordered.

2 That completes the housekeeping.

3 SENATOR BRUNO: Mr. President.

4 We have finished our business here in this
5 house, and we have finished our business on
6 behalf of the people of this state. We have
7 passed a balanced budget in this house, Mr.
8 President, and we passed it before the April 1
9 deadline, and I am proud of this; and on behalf
10 of my colleagues, I say thank you.

11 The people of this state know
12 where we stand on this budget. We, Mr.
13 President, having done our work, are going home
14 and we will go home to communicate with our
15 constituents, and we will share with our
16 constituents the differences between this house
17 and the Assembly, and we will share with our
18 constituents, Mr. President, that we are waiting
19 for the Assembly to give us numbers so that we
20 can negotiate in good faith. We don't have
21 numbers. We need them; and when the Assembly
22 gives us numbers, when the Assembly passes their
23 own budget, when the Assembly puts us in a

1 position where we can negotiate a budget for the
2 people of this state in good faith, we will
3 return and we will be back; and, Mr. President,
4 I would hope and pray it would be tomorrow and
5 if not tomorrow, Friday; and if not Friday,
6 Saturday; and if not Saturday, Sunday and, Mr.
7 President, what comes after Sunday is Monday;
8 and there being no further business to come
9 before the Senate -

10 SENATOR PATERSON: Mr. President.

11 ACTING PRESIDENT DeFRANCISCO:
12 Excuse me. Senator Paterson, why do you rise?

13 SENATOR PATERSON: Might I ask
14 the Majority Leader to yield for a brief
15 question before he goes home? I just wanted to
16 clear something up. Tomorrow was actually a
17 regular calendar day on the original schedule,
18 and it is the deadline at which we would file
19 motions for discharge for bills that we would
20 like to bring to the floor of the Senate. Being
21 that we will not have a session on tomorrow,
22 April the 6th, may we file those motions
23 tomorrow anyway without a session, or may we

1 file those motions on April the 10th when we
2 come back on Monday?

3 ACTING PRESIDENT DeFRANCISCO:
4 Senator Bruno.

5 SENATOR PATERSON: When can we
6 accomplish that? September 10th I hear.

7 SENATOR BRUNO: In terms of good
8 government, that's a good suggestion that you
9 file them on September 10th.

10 Mr. President. I would leave
11 that up to the pleasure of the Deputy Minority
12 Leader.

13 My very learned counsel is
14 indicating to me that we need a specific date
15 and they need a specific date, and I would
16 recommend that that be on Monday, April 10, when
17 we will definitely be back here; and if we
18 should be back here before that, then we can
19 adjust accordingly; but I would recommend,
20 Senator Paterson, if that meets with your
21 approval, that we do that on April 10th.

22 SENATOR PATERSON: That very much
23 meets with my approval, and we thank the

1 Majority Leader for moving that date up five
2 months, just at the wave of his hand; and,
3 hopefully, we will be back here before then to
4 pass the budget.

5 ACTING PRESIDENT DeFRANCISCO:
6 Senator Bruno.

7 SENATOR BRUNO: Mr. President.
8 We certainly concur in that. That would be a
9 godsend for us and for all of the people of this
10 state. Recognize, Mr. President, that this
11 Governor has said he is going to veto bills, so
12 that for us to just be here doing things to land
13 on the desk to get vetoed doesn't make a lot of
14 sense.

15 So, there being no further
16 business to come before the Senate, I move we
17 stand adjourned until Monday, April 10th, at
18 3:00 p.m., Republican conference at 2:00, and
19 intervening days to be legislative days.

20 Thank you.

21 ACTING PRESIDENT DeFRANCISCO:
22 Without objection, the Senate stands adjourned
23 until Monday, April 10, at 3:00 p.m.,

1 intervening days being legislative days.

2 (Whereupon, at 1:14 p.m., Senate
3 adjourned.)

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