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ALBANY, NEW YORK

April 17, 1995

3:01 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

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

2 ACTING PRESIDENT KUHL: The
3 Senate will come to order. Ask the members to
4 find their chairs. I'll ask everybody in the
5 chamber to rise and join with me in saying the
6 Pledge of Allegiance to the Flag.

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

9 We are very pleased today to be
10 joined by the Reverend Peter G. Young of the
11 Blessed Sacrament Church of Bolting Landing to
12 deliver the invocation.

13 Reverend Young.

14 REVEREND PETER YOUNG: Let us
15 pray. We pray today for all of our New York
16 State people, that their wealth and their power
17 might become a force for peace rather than
18 conflict, a source of hope rather than
19 discontent, as an agent of friendship rather
20 than enmity. May the actions of this Senate
21 body be the example and may we then continue in
22 Your work now and forever. Amen.

23 ACTING PRESIDENT KUHL: Reading

1 of the Journal.

2 THE SECRETARY: In Senate,
3 Sunday, April 16th. The Senate met pursuant to
4 adjournment, Senator Bruno in the Chair. The
5 Journal of Saturday, April 15th, was read and
6 approved. On motion, the Senate adjourned.

7 ACTING PRESIDENT KUHL: Hearing
8 no objection, the Journal stands approved as
9 read.

10 Presentation of petitions.
11 Messages from the Assembly.
12 Messages from the Governor.
13 Reports of standing committees.
14 Reports of select committees.
15 Communications and reports from
16 state officers.
17 Motions and resolutions.
18 The Chair recognizes Senator
19 Wright.

20 SENATOR WRIGHT: Mr. President,
21 on page number 29, I offer the following
22 amendments to Calendar 229, Senate Print Number
23 3488, and ask that said bill retain its place on

1 the Third Reading Calendar and request that the
2 star be removed.

3 ACTING PRESIDENT KUHL: The
4 amendments are received and adopted. The star
5 will be removed at the request of the sponsor.

6 The Chair recognizes Senator
7 DiCarlo.

8 SENATOR DiCARLO: Yes, Mr.
9 President. On behalf of Senator Velella, please
10 place a sponsor's star on Calendar Number 222.

11 ACTING PRESIDENT KUHL: A
12 sponsor's star is placed on Calendar Number 222.

13 The Chair recognizes Senator
14 Bruno.

15 SENATOR BRUNO: I would like to
16 call an immediate meeting of Finance in Room
17 332, and that meeting to be immediately followed
18 by a Rules Committee meeting in the same room,
19 332.

20 ACTING PRESIDENT KUHL: There
21 will be an immediate meeting of the Senate
22 Finance Committee in the Majority Conference
23 Room, Room 332. At the conclusion of the

1 Finance Committee meeting, there will be an
2 immediate meeting of the Rules Committee in the
3 same room, Room 332.

4 Senator Bruno.

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

8 ACTING PRESIDENT KUHL: The
9 Secretary will read the non-controversial
10 calendar.

11 THE SECRETARY: Calendar Number
12 157, by Senator Velella, Senate Print 2872, an
13 act to amend the General City Law and the Penal
14 Law, in relation to creating the crimes of
15 urinating or begging.

16 SENATOR PATERSON: Lay it aside.

17 ACTING PRESIDENT KUHL: Lay the
18 bill aside.

19 THE SECRETARY: Calendar Number
20 276, by Senator Leibell, Senate Print 3480, an
21 act to amend the Administrative Code of the city
22 of New York and the Emergency Tenant Protection
23 Act of 1974.

1 SENATOR PATERSON: Lay it aside.

2 ACTING PRESIDENT KUHL: Lay the
3 bill aside.

4 THE SECRETARY: Calendar Number
5 285, by Senator Trunzo, Senate Print 2859, an
6 act to amend the Civil Service Law, in relation
7 to suspension of pension.

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

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

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 43.

16 ACTING PRESIDENT KUHL: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 292, by Senator DiCarlo, Senate Print 499-A, an
20 act to amend the General Obligations Law, in
21 relation to exoneration of certain police
22 officers.

23 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

2 THE SECRETARY: Section 2. This
3 act -

4 SENATOR PATERSON: Mr.
5 President.

6 ACTING PRESIDENT KUHL: Senator
7 Paterson.

8 SENATOR PATERSON: Mr. President,
9 we want to know if we can -- might lay this
10 aside for a day. We have a unique opportunity
11 if we do that, but I don't want to tell you what
12 that opportunity is, but if we could lay it
13 aside for a day, we would -

14 ACTING PRESIDENT KUHL: Senator
15 DiCarlo, a request has been made to lay the bill
16 aside for the day.

17 SENATOR DiCARLO: For Senator
18 Paterson, that's okay.

19 ACTING PRESIDENT KUHL: The bill
20 will be laid aside for the day.

21 THE SECRETARY: Calendar Number
22 297, by Senator Marchi, Senate Print 3009, an
23 act directing the city of New York to refund to

1 certain not-for-profit organizations.

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

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 44.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 298, by Senator Trunzo, Senate Print 3282, an
14 act to amend Chapter 738 of the Laws of 1988,
15 amending the Administrative Code of the city of
16 New York.

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

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

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 47.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 305, by Senator Wright, Senate Print 2262, an
6 act to amend the Vehicle and Traffic Law, in
7 relation to having care or control of a motor
8 vehicle while impaired by alcohol.

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

11 THE SECRETARY: Section 3. This
12 act shall take effect on the 1st day of
13 November.

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 47.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 319, by Senator Saland, Senate Print 2109, an
22 act to amend the Surrogates Court Procedure Act
23 and the Domestic Relations Law.

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

3 THE SECRETARY: Section 7. This
4 act shall take effect on the 90th day.

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 47.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 324, by Senator Tully, Senate Print 3642, an act
13 to amend the Environmental Conservation Law, in
14 relation to project ineligibility.

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

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 48.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 331, by Senator Kuhl, Senate Print 2315, an act
4 to amend the Agriculture and Markets Law, in
5 relation to the producer referendum.

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

8 THE SECRETARY: Section 4. This
9 act shall take effect immediately.

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 48.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 Senator Bruno, that completes the
17 non-controversial calendar.

18 SENATOR BRUNO: Mr. President,
19 can we now take up the controversial calendar?

20 ACTING PRESIDENT KUHL: The
21 Secretary will read the -

22 SENATOR BRUNO: Can we go right
23 to Calendar Number 276?

1 ACTING PRESIDENT KUHL: The
2 Secretary will read the controversial calendar,
3 beginning with Calendar Number 276.

4 THE SECRETARY: On page number
5 18, Calendar 276, by Senator Leibell, Senate
6 Print 3480, an act to amend the Administrative
7 Code of the city of New York and the Emergency
8 Tenant Protection Act of 1974.

9 SENATOR PATERSON: Explanation.

10 ACTING PRESIDENT KUHL: Senator
11 Leibell, an explanation has been asked for by
12 Senator Paterson.

13 SENATOR LEIBELL: Yes, Mr.
14 President. This is an act to amend the
15 Administrative Code of the city of New York, the
16 Emergency Tenant Protection Act of 1974, in
17 relation to determining the primary residency,
18 and it also -- the Tax Law, in relation to the
19 verification of residents. The goal of the
20 legislation is to provide a fair and effective
21 mechanism for determining primary residency.

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

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

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT KUHL: Announce
7 the results when tabulated.

8 THE SECRETARY: Those recorded in
9 the negative on Calendar Number 276 are Senators
10 Abate, Bruno, Leichter, Markowitz, Mendez,
11 Onorato, Paterson, Smith, Solomon and Waldon.
12 Ayes 38, nays 10.

13 ACTING PRESIDENT KUHL: The bill
14 is passed.

15 Senator Bruno.

16 SENATOR BRUNO: Mr. President,
17 can we now take up Calendar Number 175, by
18 Senator Velella?

19 ACTING PRESIDENT KUHL: The
20 Secretary will read Calendar Number 175.

21 THE SECRETARY: On page 13,
22 Calendar Number 175, by Senator Velella, Senate
23 Print 2872, an act to amend the General City Law

1 and the Penal Law, in relation to creating the
2 crimes of urinating or defecating in public.

3 ACTING PRESIDENT KUHL: Senator
4 Velella, an explanation has been asked for by
5 Senator Paterson.

6 SENATOR VELELLA: This is a very
7 basic, simple bill and it's basically
8 self-explanatory.

9 What it does is it creates the
10 crime of urinating or defecating in public and
11 of aggressive begging in cities where there is a
12 commercial zone and, basically, that's what the
13 bill does. It doesn't provide that we put
14 people in jail for this. It provides the
15 alternative of a fine or community service, so
16 that we're not locking people up for this.

17 That basically is the bill,
18 Senator.

19 ACTING PRESIDENT KUHL: The Chair
20 recognizes Senator Paterson.

21 SENATOR PATERSON: Mr. President,
22 if Senator Velella would yield for a question?

23 ACTING PRESIDENT KUHL: Senator

1 Velella, do you yield for a question from
2 Senator Paterson?

3 SENATOR VELELLA: Certainly.

4 ACTING PRESIDENT KUHL: The
5 Senator yields.

6 SENATOR PATERSON: Senator
7 Velella, there's a case on appeal right now,
8 Portinger versus Miami, and some of the dicta
9 from that court really states that it's almost a
10 violation of the Eighth Amendment to, in all
11 public places, deny certain -- what would be
12 considered to be functions such as sleeping or
13 lying down or sitting down, which occur all over
14 the place. In other words, punishing people
15 would be cruel and unusual punishment.

16 Now, while that is the case,
17 there's another case I looked at from 1994,
18 Roulette versus Seattle. Now, in Seattle,
19 they're doing very similar things that your bill
20 proposes right here in New York. They
21 designated a certain amount of the area -- the
22 sidewalk area, during the daytime, if people sit
23 or lie down in those particular areas, then it's

1 considered to be a violation of the law.

2 Now, what my question to you
3 involves is an explanation from you as to how we
4 rationalize these two tests. In other words, if
5 we're going to be making this against the law in
6 one -- in -- by setting aside in your bill 15
7 percent of the land mass of the sidewalk area,
8 what we are going to be doing is -- let's say,
9 in New York City, we could make the entire
10 borough of Manhattan part of that area. It's
11 pretty much a commercial strip or a great deal
12 of the borough is a commercial area, not as
13 residential as Kings County and Queens County.

14 What I'm saying is how are we
15 going to avoid the Eighth Amendment test where
16 the exercise of law enforcement for these types
17 of penalties creates a cruel and unusual
18 punishment?

19 SENATOR VELELLA: Well, Senator,
20 again, we have this problem whenever we discuss
21 legislation. I don't know what the Supreme
22 Court is ultimately going to decide, and I think
23 they will decide on the side of common sense,

1 common decency and the ability of local
2 governments to control their own environments.

3 We have bills and laws that will
4 limit people where they can smoke because they
5 pollute people's air so why not where they can
6 defecate or urinate? Certainly that pollutes
7 the environment. I think that we have just as
8 much a right to stop people from defecating in
9 public places as smoking in public places. I
10 hope the Supreme Court agrees with me. If they
11 don't, we'll come back and we'll revise the law
12 and we'll do it so that it's constitutionally
13 permissive, but we have to be in a position
14 where we do what we think is right, and if the
15 court should determine that it's wrong, we'll
16 come back and revisit it and make it
17 constitutionally allowable as we've done with
18 the death penalty, as we've done with many, many
19 bills that we've passed where the courts said
20 they didn't think we were doing the right thing.

21 ACTING PRESIDENT KUHL: Senator
22 Paterson.

23 SENATOR PATERSON: Mr. President,

1 I'm sure you'll agree that that was a very fair
2 answer and a very honest answer and, if Senator
3 Velella would yield for one last question.

4 ACTING PRESIDENT KUHL: Does
5 Senator Velella yield again? The Senator
6 continues to yield.

7 SENATOR PATERSON: Senator
8 Velella, I see four ways to prosecute
9 individuals under the law currently, criminal
10 law sections 265.25, 265.20, 165.30, for
11 violations such as harassment, loitering. Do
12 you think that we need this additional law,
13 being that we have protections already built
14 in?

15 SENATOR VELELLA: Well, Senator,
16 I really think that it's time that we make a
17 statement that we're not going to tolerate in
18 the major cities of this state anti-social
19 behavior, behavior that invades the ability of
20 local governments to promote the tourism,
21 promote the ability of commercial enterprises
22 and to really just stand up and say to those
23 people in society who wish to have anti-social

1 behavior that we're not going to tolerate it in
2 the areas of our city that are commercially
3 invigorating and supporting the ability of the
4 city to survive.

5 So I think that this is going to
6 be a very positive step in making a statement
7 that anti-social behavior will not be tolerated
8 in our cities. If it were up to me, I would ban
9 it anywhere. That's my personal preference,
10 that type of behavior but, unfortunately, we
11 have to try to deal with what we can pass in
12 this Legislature and what is permissible by
13 local ordinance. The city will determine where
14 these zones will be, where this type of
15 anti-social behavior will not be tolerated and
16 will be punished by community service.

17 Again, we're not putting people
18 in jail. We're saying, "Either act properly and
19 behave within an acceptable social pattern or,
20 if you can't do that, you're going to have to do
21 community service."

22 ACTING PRESIDENT KUHL: Senator
23 Paterson.

1 SENATOR PATERSON: Thank you,
2 Senator Velella.

3 Mr. President, I believe Senator
4 Waldon wanted to make a -

5 ACTING PRESIDENT KUHL: Yes. The
6 Chair recognizes Senator Waldon.

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

9 Would the gentleman from Bronx
10 County yield to a question or two?

11 ACTING PRESIDENT KUHL: Senator
12 Velella, do you yield to a question from Senator
13 Waldon?

14 SENATOR VELELLA: Yes, Senator.

15 ACTING PRESIDENT KUHL: The
16 Senator yields.

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

19 Senator Velella, have you
20 traveled in Europe at all?

21 SENATOR VELELLA: Yes, Senator.
22 I have had the opportunity many years ago to
23 travel in Europe.

1 SENATOR WALDON: In that travel,
2 have you happened to travel through France?

3 SENATOR VELELLA: Yes.

4 SENATOR WALDON: Were you ever in
5 Paris?

6 SENATOR VELELLA: Yes.

7 SENATOR WALDON: Are you -- in
8 your frame of reference or in your recollection,
9 can you recall that there were public toilets
10 almost everywhere in France?

11 SENATOR VELELLA: I can't say
12 almost -

13 SENATOR WALDON: In Paris?

14 SENATOR VELELLA: I can't say
15 almost everywhere but, yes, I did see the public
16 toilets along the streets of the main
17 thoroughfares in Paris. I was hoping to go
18 there this week, but we were supposed to be on
19 vacation, so I can't make it.

20 SENATOR WALDON: You were on the
21 same flight as me.

22 Senator, is there any provision
23 in this legislation to provide for public

1 toilets?

2 SENATOR VELELLA: The answer to
3 that is no, and the reason for that, although
4 you didn't ask me, is because it's not
5 necessary. The City can do that now without
6 having to have permissible legislation for
7 public toilets, and they have been experimenting
8 with that, as I understand it. They have the
9 authority from the state to do a local ordinance
10 to allow for public toilets.

11 SENATOR WALDON: May I continue,
12 Mr. President?

13 ACTING PRESIDENT KUHL: Do you
14 continue to yield, Senator Velella?

15 SENATOR VELELLA: Yes.

16 ACTING PRESIDENT KUHL: The
17 Senator continues to yield.

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

20 Lastly, Senator Velella, in your
21 creating this proposal for our consideration,
22 was there a specific target group that it was
23 directed towards?

1 SENATOR VELELLA: Well, the only
2 target group, Senator, that I would be
3 targeting, would be the people who would like to
4 defecate in public, who would like to urinate in
5 public and who would like to lie down in
6 doorways, whomever they may be. I don't
7 differentiate. Anyone that lies down in a
8 doorway, anyone who defecates in public or
9 urinates in public ought to fall under the
10 parameters of this law.

11 SENATOR WALDON: Thank you very
12 much.

13 ACTING PRESIDENT KUHL: Senator
14 Waldon on the bill.

15 SENATOR WALDON: On the bill.
16 Thank you very much, Senator Velella.

17 Those people, who I have been
18 advised most recently fall subject to this kind
19 of activity, to a great extent are those who are
20 homeless; secondarily, other folk who are caught
21 in a bind, meaning someone who has driven a long
22 distance and has to stop. You see them
23 oftentimes on the highways. Men will stop their

1 cars and open the door in a kind of kitty-corner
2 way. Those people certainly are not evidencing
3 criminal behavior or a desire to violate the
4 law. They are in a state of personal
5 emergency. So I wouldn't categorize those good
6 citizens who are middle class, hard-working,
7 taxpaying, law abiding in the same manner,
8 perhaps -- and this may be my own bias -- as
9 those who may do this more readily.

10 However, those who are practicing
11 this, if that's an appropriate way to describe
12 it, for the most part, are the homeless. I
13 think that the better approach is to create sit
14 uations where the homeless will have adequate
15 toilet facilities, and I would have appreciated
16 very much if your legislation had either provid
17 ed that in a financial sense or given a direc
18 tion to the cities, the local municipalities, to
19 take care of this concern for this human
20 condition.

21 Thank you very much, Mr.
22 President.

23 SENATOR ONORATO: Mr. President.

1 ACTING PRESIDENT KUHL: The Chair
2 recognizes Senator Onorato.

3 SENATOR ONORATO: Will Senator
4 Velella yield to a question, please?

5 ACTING PRESIDENT KUHL: Senator
6 Velella, do you yield to Senator Onorato?

7 SENATOR VELELLA: Yes.

8 ACTING PRESIDENT KUHL: The
9 Senator yields.

10 SENATOR ONORATO: How will this
11 affect -- as I'm sure most of us at one time or
12 another have witnessed or maybe even partici
13 pated ourself, with a young child walking along
14 the street and has to urinate and the mother or
15 father simply brings the child to the curb; who
16 will then be responsible for assisting the child
17 in urinating on the curb?

18 SENATOR VELELLA: Senator, under
19 the laws that exist -- not this bill -- I would
20 assume that the parent who is taking that child
21 and making them urinate or defecate on the
22 public sidewalk or in the public streets or main
23 public thoroughfare in public view -- and I

1 point out that this is where people can see the
2 act going on -- ought to be publicly punished
3 for that by being given a ticket or violation
4 order. It's not the kind of thing you want to
5 encourage people and young children to have the
6 behavior of going to the bathroom on the public
7 streets. I think that's basic common sense and
8 it makes sense. Parents ought not to be telling
9 their children to do it. Children ought not to
10 be growing up thinking it's acceptable.

11 If it's an emergency situation,
12 again, it's like a lot of other laws. Police
13 officers have some discretion as to whether or
14 not to issue a ticket, but bottom line, if
15 you're doing it, yes, you ought to be given a
16 citation.

17 You're not going to jail. You're
18 not being carted away in handcuffs. You're be
19 ing given a citation for doing something that's
20 unhealthy and socially unacceptable, and you
21 endanger the health and well-being of society in
22 general when you do these things on public
23 streets and let it stay around. Certainly, I

1 believe a lot more dangerous than a puff of
2 smoke that you might happen to catch as you're
3 passing through a building.

4 ACTING PRESIDENT KUHL: The Chair
5 recognizes Senator Paterson.

6 SENATOR PATERSON: Mr. President,
7 I have to -- as you may know, the canons of
8 ethics require lawyers to reveal information
9 when it comes to the lawyer in the case even
10 though the information may be detrimental to the
11 case, but the lawyer has this responsibility to
12 the court.

13 So I would like Senator Velella
14 to know that, although I plan on voting against
15 this bill, some very important information has
16 come across my desk from another member of my
17 conference who has some ideas about how to
18 address some of these problems, and just in case
19 this bill is not signed into law this week,
20 Senator, I suggest that you consult with my
21 colleague, and she has some extremely creative
22 ideas. I don't know if they comply with the
23 Eighth Amendment, but they certainly would stop

1 public urinating.

2 SENATOR VELELLA: I would be
3 happy to.

4 SENATOR PATERSON: Thank you.

5 ACTING PRESIDENT KUHL: Senator
6 Dollinger.

7 SENATOR DOLLINGER: Would Senator
8 Velella yield to just one question?

9 ACTING PRESIDENT KUHL: Senator
10 Velella, do you yield to just one question?

11 SENATOR VELELLA: Certainly,
12 Senator. For you, any time.

13 SENATOR DOLLINGER: The urban
14 commercial zone in which the lying down or
15 sitting on the sidewalk is going to be prohib
16 ited, what's to prevent the homeless person, as
17 I think Senator Waldon properly describes it,
18 from simply walking right outside that zone
19 limit and camping out on the sidewalk, sitting
20 down, lying on the sidewalk? By virtue of their
21 homelessness, they tend to be highly transient.
22 Aren't they going to find the -- stop right next
23 to the zone where they can camp out and sit and

1 lie on the sidewalk?

2 SENATOR VELELLA: Senator, my
3 response to that is that you may believe that
4 the homeless cannot be educated. I don't
5 believe that. I believe by providing good
6 examples and providing good legislation and
7 letting them know that they're breaking the law,
8 that simply because they're homeless, doesn't
9 mean they have an intention to break the law or
10 to be anti-social. We help by setting an
11 example and setting a standard of conduct that
12 they will follow, and I believe they will learn
13 and follow that. Maybe you don't, but I do.

14 SENATOR DOLLINGER: On the bill,
15 Mr. President.

16 ACTING PRESIDENT KUHL: Senator
17 Dollinger on the bill.

18 SENATOR DOLLINGER: I'm not so
19 sure I agree with Senator Velella. I think
20 we've spent a lot of time and a lot of groups
21 have worked with the homeless for years to try
22 to educate them, to educate them about their
23 behavior. Part of the problem is they remain

1 homeless and, I think, oftentimes they resist -
2 by virtue of mental illness or other factors,
3 they resist the simple instructions perhaps than
4 others would.

5 I'm going to vote in favor of
6 this bill. I would, however, call Senator
7 Velella's attention to one portion of it. I
8 read the aggressive begging section, and I would
9 suggest that there might be 211 possible
10 misdemeanorants who would constitute the members
11 of the New York State Assembly and State Senate
12 who have spent maybe, perhaps, an unfortunate
13 part of our political lives aggressively begging
14 for money, not in a charitable spirit but
15 perhaps in the spirit of raising political
16 campaign funds, and the definition may be broad
17 enough to include all of us as potential
18 misdemeanorants in that category as well.

19 I would be voting in favor of the
20 bill. I still have some serious questions as to
21 how it will work, but I'll vote in favor.

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

1 THE SECRETARY: Section 7. This
2 act shall take effect on the 1st day of
3 November.

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT KUHL: Announce
8 the results when tabulated.

9 Senator Gold to explain his vote.

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

12 To be very brief, Senator
13 Velella, a number of years ago -- this is a true
14 case -- a lawyer was in the New York City subway
15 where you know you're not allowed to
16 expectorate, and in an emergency choking, he
17 did, in fact, spit on the tracks. One of the
18 more intelligent -- or less intelligent
19 policemen around actually gave him a summons for
20 spitting in the subway even though it was an
21 emergency.

22 So, Senator, you know, it's nice
23 to talk about passing laws and then saying

1 "We'll leave it up to the cops in street." I
2 think that's just the wrong thing to do. We
3 ought to be passing laws that are sensible and
4 enforceable, and not leave it so that cops can
5 do what they want to in the street.

6 I like cops. I support cops.
7 Having said that, I assume that's the way I'm
8 supposed to start. I'm sorry I said it in the
9 end. I think this bill is not really well
10 thought out.

11 I vote no.

12 ACTING PRESIDENT KUHL: Senator
13 Gold in the negative.

14 The Secretary has asked all those
15 members who are voting in the negative, please
16 raise your hand once again.

17 Senator Maltese, to explain your
18 vote?

19 SENATOR MALTESE: Yes, Mr.
20 President.

21 It's all very well for some
22 members of the Minority to demean this type of
23 legislation. The unfortunate -- the unfortunate

1 situation is that in many of the areas that we
2 represent, many of the urban areas, this is
3 absolutely necessary, and while some may take
4 Senator Velella to task for proposing this
5 excellent legislation which I co-sponsor, at the
6 same time, since the daily papers have indicated
7 that this legislation exists, we have received,
8 I know, in my office and in many of the other
9 offices, nothing but approbation from our
10 constituents.

11 So the unfortunate situation is
12 that it is necessary. We are taking steps to
13 attempt to alleviate a situation that is very
14 detracting from our communities, takes away from
15 the good order in our communities, and rather
16 than attack those or demean those who propose
17 the legislation, they should come up with
18 alternate legislation.

19 I vote aye, Mr. President.

20 ACTING PRESIDENT KUHL: Senator
21 Maltese in the affirmative. Announce the
22 results.

23 THE SECRETARY: Those recorded in

1 the negative on Calendar Number 175 are Senators
2 Abate, Gold, Leichter, Paterson, Smith and
3 Senator Waldon. Also, Senator Galiber. Also,
4 Senator Mendez. Ayes 41, nays 8.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 Senator Skelos, that completes
8 the controversial calendar.

9 SENATOR GOLD: Mr. President.

10 ACTING PRESIDENT KUHL: Senator
11 Gold, why do you rise?

12 SENATOR GOLD: Yeah. While I was
13 at the Finance Committee meeting, apparently we
14 passed Calendar Number 276, and I ask that I be
15 recorded in the negative.

16 ACTING PRESIDENT KUHL: Without
17 objection, Senator Gold will be recorded in the
18 negative on Calendar Number 276.

19 Senator Galiber.

20 SENATOR GALIBER: Yes. I would
21 like to request unanimous -- request consent to
22 be recorded in the negative on 276 also.

23 ACTING PRESIDENT KUHL: Without

1 objection, Senator Galiber will be recorded in
2 the negative on Calendar Number 276.

3 Senator Nanula.

4 SENATOR NANULA: Mr. President, I
5 too would like to be recorded in the negative,
6 unanimous consent, on Calendar Number 276.

7 ACTING PRESIDENT KUHL: Without
8 objection, Senator Nanula will be recorded in
9 the negative on Calendar Number 276.

10 Senator Kruger.

11 SENATOR KRUGER: Mr. President, I
12 as well would like to be recorded in the
13 negative on 276.

14 ACTING PRESIDENT KUHL: Without
15 objection, Senator Kruger will be recorded in
16 the negative on Calendar Number 276.

17 Senator Skelos.

18 SENATOR SKELOS: Mr. President,
19 if we could return to reports of standing
20 committees. I believe there's a report from the
21 Rules Committee.

22 ACTING PRESIDENT KUHL: You're
23 correct, Senator Skelos, there is a report of

1 the Rules Committee at the desk.

2 The Secretary will read.

3 THE SECRETARY: Senator Bruno,
4 from the Committee on Rules, offers the
5 following report: Senate Bill 4205, Budget
6 Bill, an act to provide for payments to
7 municipalities and providers of medical
8 services.

9 Senate Print 4206, Budget Bill,
10 making an appropriation for the support of
11 government.

12 Senate Print 4207, Budget Bill,
13 an act making an appropriation for the support
14 of government.

15 Senate Print 4208, Budget Bill,
16 an act to provide for payments to vendors under
17 the Women, Infants and Children program and
18 making an appropriation therefor.

19 All bills recorded directly to
20 third reading.

21 SENATOR SKELOS: Mr. President, I
22 move that we adopt the Rules Committee report.

23 ACTING PRESIDENT KUHL: The

1 motion is to accept the Rules Committee report
2 as read. All those in favor signify by saying
3 aye.

4 (Response of "Aye".)

5 Opposed, nay.

6 (There was no response.)

7 The Rules report is adopted.

8 Senator Skelos.

9 SENATOR SKELOS: Yes, Mr.

10 President. If we could take up Calendar Number
11 434, Senate 4205.

12 ACTING PRESIDENT KUHL: Calendar
13 -- the Secretary will read Calendar Number 434.

14 THE SECRETARY: Calendar Number
15 434, Budget Bill, Senate Print 4205, an act to
16 provide for payments to municipalities and to
17 providers of medical services under the Medical
18 Assistance Program.

19 SENATOR PATERSON: Explanation.

20 ACTING PRESIDENT KUHL: Senator
21 Stafford, an explanation has been asked for by
22 Senator Paterson on Calendar 434.

23 SENATOR STAFFORD: Thank you, Mr.

1 President.

2 This is a Medicaid emergency
3 appropriation.

4 ACTING PRESIDENT KUHL: Senator
5 Stafford, excuse me just a minute. Could we
6 have some order in the chamber, please. An
7 awful lot of conversations going on. It's very
8 difficult to hear. Please show a little respect
9 to your colleagues who want to debate the bill.

10 The Chair recognizes Senator
11 Stafford for an explanation.

12 SENATOR STAFFORD: Thank you, Mr.
13 President.

14 As we have done in the past, this
15 is a Medicaid emergency appropriation bill.

16 It appropriates 140 million from
17 the general fund for Medicaid payments to
18 vendors due on April 19, 1995.

19 It also appropriates federal
20 funds amounting to 165 million for a total of
21 305 million. Passage of this bill will ensure
22 payment of the April 19th Medicaid cycle.

23 The general fund appropriation

1 includes 115 million for Medicaid and 25 million
2 for income maintenance which will be used for
3 the local share of upstate Medicaid payments.

4 SENATOR LEICHTER: Mr. President.

5 ACTING PRESIDENT KUHL: Senator
6 Leichter, why do you rise?

7 SENATOR LEICHTER: I want to
8 inquire because I don't believe the bills have
9 been distributed yet.

10 SENATOR STAFFORD: They should
11 be. They're in the black book, Senator.

12 ACTING PRESIDENT KUHL: These
13 bills were -

14 SENATOR LEICHTER: Were they put
15 in the book? I see.

16 ACTING PRESIDENT KUHL: They're
17 right on your desk, Senator Leichter.

18 SENATOR LEICHTER: Okay. I
19 thought they had been -- yes, they are in the
20 back of the black book.

21 Thank you.

22 ACTING PRESIDENT KUHL: Senator
23 Gold.

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

3 I'll be brief. This is one of a
4 package, and I guess the bills are necessary
5 because of the failure of the -- this house and
6 the Governor to be able to put together a
7 budget. So I, on this occasion, will probably
8 vote for them, but I wanted to make a couple of
9 brief points.

10 First of all, I can't forget the
11 press releases that came out of this house by
12 essentially the same group of people, because
13 there are few new faces on your side, but it's
14 essentially the same group, and those press
15 releases were blaming Mario Cuomo for not
16 passing a budget on time and, as a matter of
17 fact, not only did you blame Mario Cuomo, but
18 you wouldn't agree to a budget on time because
19 some of you said you were fighting for things
20 that you thought were right and, after all, the
21 budget was late, but you were fighting for what
22 was right.

23 Now, I understand that the

1 Assembly Democrats, thank the Lord, are fighting
2 for what many of us think is right and you say
3 it's their fault. Well, that's not the way
4 logic works. The fault has to be under the
5 logic of the Majority in this house, the fault
6 of George Pataki and Joe Bruno and all of you.

7 As a matter of fact, while I have
8 the luxury of being with my family and not
9 having to worry about leaders' meetings, my
10 understanding is the Governor has not even
11 called a leaders' meeting for five or six days.

12 Today while the state has no
13 budget, the Governor, as I understand, is not in
14 town. I understand he is flying around and
15 doing some campaigning in different places on
16 the budget, but I guess it's still in the nature
17 of campaigning and, of course, I think that all
18 of this is fascinating from another point of
19 view.

20 I asked the question in Finance
21 whether or not any of these bills provided for
22 the Senate to make payments on contracts. We
23 are past April 1st. We all have district

1 offices. I assume that they are leased. Those
2 landlords don't work for the state. They just
3 in good faith assume that, if they gave property
4 to us, their rents would be paid and, of course,
5 nobody seems to worry about that.

6 But what I worry about most of
7 all is the fact that the bills are patently
8 unfair and they are absurd, politically absurd.
9 The concept that we are not working as a
10 Legislature because we do not agree is childish
11 and it's absurd.

12 Not only that, I mean, I can take
13 it. You know, you want to withhold my check. I
14 know I'm getting the check. Everybody knows I'm
15 getting the check. It's in the Constitution I'm
16 getting the check, but what is unfair is that,
17 while we are at least statutorily and constitu
18 tionally a part-time Legislature and those of us
19 who want can engage in other business, our
20 employees are full-time people; not only that,
21 we make sure they're full-time people.

22 Years ago, there were people who
23 were part time and, with a number of things that

1 went on, we now have absolutely, for the most
2 part, full-time people who are working, so they
3 have no other source of income and, as I pointed
4 out before and I'm going to stress again, the
5 Governor's public position about his not being
6 paid and we in the Legislature will not be paid
7 is a fraud; it's an absolute fraud.

8 There are people who I know -
9 very, very decent people -- who work for the
10 Republican Majority in this house who supported
11 George Pataki and you, and worked very hard to
12 keep their jobs, who rent homes, who own homes
13 and whose banks and landlords expect that, if
14 they are going to sleep at night and live in
15 those homes, that the mortgage or the rental be
16 paid. That's not George Pataki's problem. He's
17 living free over at the mansion.

18 Those people, before they come to
19 work, eat food that they shop for, many of them
20 working mothers and fathers go shop on the
21 weekends. George Pataki didn't have to shop
22 this weekend because he eats for nothing at the
23 mansion.

1 A lot of the people who work in
2 the Capitol live in our surrounding areas. They
3 come down the Northway a little bit. They come
4 up from the south a little bit, and when they
5 get up in the morning and they have to get in a
6 car, there's gas in it if they have money to put
7 gas in it, but if George Pataki wants to go to
8 New York, we give him a plane. We even put the
9 gas in it. We don't expect him to fly by
10 himself. If he wants to come in the Capitol,
11 drive around town, we give him a car and there's
12 gas in it, and he does everything he wants to.
13 He eats. He travels. He has a roof over his
14 head. So when George Pataki says that "I'm
15 withholding my money just like I'm withholding
16 your money," that's a fraud because the people
17 who work for the Legislature use that money to
18 buy their housing, buy their food, buy their
19 transportation. And so it is not an equal
20 playing field.

21 And I say again, I would have
22 more respect for George Pataki's position if he
23 moved out of the mansion, went into a hotel or

1 an apartment, started buying his own food and
2 walked to work and took cabs or flew commercial
3 flights, then he would be on an equal playing
4 field with everybody.

5 But this bill, the one that deals
6 with the Legislature and the Governor's office,
7 is the worst kind of political grandstanding.
8 That's exactly what it is. And the fact is
9 that, while we are here in Albany today, I
10 haven't heard anybody talk about budgets other
11 than these bills which deal with temporary
12 solutions, and the temporary solutions are there
13 because we are a ship without a leader. The
14 Governor is not here negotiating. The Governor
15 is some place else in this state, so I am told.

16 SENATOR SKELOS: If you would
17 yield for a minute. The Governor is on the
18 second floor, I believe, having discussions -

19 SENATOR GOLD: Oh, is that right?

20 SENATOR SKELOS: -- with Senator
21 Bruno.

22 SENATOR GOLD: Well, if that's
23 the case, I'm thrilled.

1 SENATOR SKELOS: So before you
2 make that type of misstatement, you should know
3 what you're talking about.

4 SENATOR GOLD: No. I'm talking
5 about -

6 SENATOR GALIBER: Ask him to
7 yield.

8 ACTING PRESIDENT KUHL: Senator
9 Galiber.

10 SENATOR GOLD: No, no. That's
11 fine, Senator Galiber. Thank you.

12 If I was told something wrong,
13 Senator Skelos, I'm delighted. I'm delighted,
14 and I hope he stays in Albany.

15 SENATOR SKELOS: I think your
16 efforts should be -

17 ACTING PRESIDENT KUHL: Senator
18 Gold, do you yield to a question from Senator
19 Skelos?

20 SENATOR SKELOS: -- with
21 Assemblyman -- with Speaker Silver. We have
22 passed a budget in this house. We are waiting
23 for the Assembly to pass a budget, so that just

1 like with 65 miles an hour, there's a thing we
2 established called a Joint Conference
3 Committee. You can go to joint conference once
4 there's legislation passed in both houses. The
5 Speaker would pass his budget rather than saying
6 "I have a budget. We've done a budget in the
7 Assembly", pass it, take difficult votes like we
8 have on this side of the aisle, your side
9 criticizing as your constitutional right to do.
10 The same thing you have in the Assembly. The
11 Speaker should be a leader, pass a budget. We
12 can go to Joint Conference Committee, resolve
13 the differences, and then there will be a final
14 budget for the state of New York.

15 SENATOR GOLD: Would the Senator
16 yield to a question?

17 SENATOR SKELOS: Absolutely.

18 SENATOR GOLD: Senator, last year
19 there was a different governor and we were late,
20 and your conference refused to pass a Mario
21 Cuomo budget on time. Are you telling us that
22 your conference was irresponsible?

23 SENATOR SKELOS: There's a

1 difference.

2 SENATOR GOLD: Answer the
3 question.

4 SENATOR SKELOS: I'm going to
5 answer the question.

6 SENATOR GOLD: Good.

7 SENATOR SKELOS: But don't tell
8 me how I should answer it.

9 SENATOR GOLD: Oh, I wouldn't
10 tell you anything, Senator.

11 SENATOR SKELOS: There's a
12 difference right now in leadership, and the
13 decision was made this year under the leadership
14 in our house that we would pass a budget by
15 March 31st, which we did. The Assembly has
16 refused other than debt service -- I think just
17 debt service they have passed, one other bill,
18 two out of 82 that we have passed. They have
19 refused to do so, and there's no way you can go
20 to Joint Conference Committee. We passed our
21 bills for years. You have been yelling on that
22 side, "The light of the day, not in the evening;
23 let us see the bills."

1 We've done it. We've passed a
2 budget. We've accepted your amendments. We've
3 accepted your criticisms. Fine. That's the
4 process, but the Assembly has failed to do the
5 same. Let them pass their budget. We can have
6 a Joint Conference Committee and resolve the
7 differences.

8 SENATOR GOLD: Will the Senator
9 yield to question?

10 SENATOR SKELOS: Absolutely.

11 ACTING PRESIDENT KUHL: The
12 Senator yields.

13 SENATOR GOLD: Are you saying
14 that the failure of the Republicans in this
15 house to pass a budget on time last year, the
16 year before, maybe 12 years in a row is because
17 there wasn't a Joint Conference Committee? Let
18 me finish the question. Isn't it a fact that,
19 in all of those years, the same thing was
20 available as is available today, the opportunity
21 of the leaders to sit down and talk this out;
22 isn't this a fact?

23 SENATOR SKELOS: Senator Gold,

1 we're breaking with tradition on this side of
2 the aisle. For all the years, there was a
3 Democratic governor, a Democratic Assembly.
4 They never passed a bill on their side of the
5 aisle in their house by March 31st.

6 The Senate Majority under Joe
7 Bruno is breaking with tradition. We have
8 passed a budget. We are asking Speaker Silver
9 to stop the ways of the past that he was part
10 of, pass a budget and let's go to joint
11 conference, resolve the differences with the
12 press watching the negotiations, being there,
13 seeing what's happening in the light of day.
14 That's what you all talked about on this side of
15 the aisle, reform, openness, light of day.
16 We've done it, but what about Speaker Silver?
17 Where is he? Pass a budget.

18 SENATOR GOLD: Mr. President.

19 ACTING PRESIDENT KUHL: Senator
20 Gold.

21 SENATOR GOLD: Yes.

22 ACTING PRESIDENT KUHL: You have
23 the floor.

1 SENATOR GOLD: Yes, thank you.

2 The simple fact, Senator Skelos,
3 is that nothing has changed in terms of the fact
4 that this house passing a bunch of bills does
5 not create a budget. That's a fact. Ever since
6 I'm here, I have sat in day after day and seen
7 your house pass one-house bills.

8 Now, do I think that's a waste of
9 time? Politically it isn't, because your side
10 of the house gets press release, press release,
11 press release on one-house bills, and that's
12 what you've done.

13 As a matter of fact, there's an
14 old story -- and I won't give you the whole
15 story -- a young man who works for his father's
16 law firm and they give him some work -- work on
17 a railroad case, and the kid comes back in six
18 months and he says, "I need some more work." He
19 says, "What do you mean?" He said, "I settled
20 the case." He said, "You jerk, you settled the
21 case? That case has been supporting this family
22 for 20 years!" And you guys have bills that have
23 been supporting your political careers for 20

1 years and, God forbid, the day that we pass them
2 in two houses you may have to think -- think
3 about something.

4 But nothing has changed, Senator
5 Skelos. The fact is that the one thing that
6 doesn't change is that the Governor is supposed
7 to show leadership and, if the Assembly passed a
8 bill and we went to the Conference Committee,
9 that's all well and good, but the fact of the
10 matter is that in the days of yore when your
11 side was intent on embarrassing a Democratic
12 governor, the fact is he called meetings and
13 your side would go to the meetings. Sometimes
14 you'd walk out in three minutes, sometimes you'd
15 walk out in eight minutes, but the Governor at
16 least called the meetings.

17 This Governor is not calling
18 meetings. People can sit in a room and with or
19 without -- with or without bills that have been
20 passed, the bottom line is you get negotiations
21 and you get this work done, and the fact is that
22 we're not getting the work done; but the bottom
23 line, Senator Skelos, which I know you really

1 don't want to deal with, is that we're passing
2 measures that take care of the state on a
3 temporary basis. We've done that in the past,
4 but we have never taken the position -- we never
5 had a governor take the position that, if you
6 don't agree with me, I am going to penalize
7 people who work for a living, not legislators,
8 but people who work for a living while the
9 Governor eats free, lives free, rides free, and
10 that part of it, Senator Skelos, is
11 unconscionable.

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

14 Senator DeFrancisco.

15 SENATOR DeFRANCISCO: On the
16 bill.

17 ACTING PRESIDENT KUHL: Senator
18 DeFrancisco on the bill.

19 SENATOR DeFRANCISCO: You know,
20 you can't win no matter what you do.

21 The first two years in this
22 Senate, I heard Senator Gold over and over and
23 over again, "Pass bills in the light of day.

1 Don't go behind closed doors. Don't have these
2 meetings that we're not participants in. Do
3 these things in the light of day." So this year
4 comes around, there's a Republican governor, a
5 Republican, new Senate Majority Leader who says,
6 "Let's do it. Let's change. Let's have a
7 breath of fresh air in the way government works,
8 and, Speaker Silver, do the same thing," so the
9 world can see in public each of your positions
10 on the budget and so the Minority in each house
11 can debate the bills and show the defects in
12 those bills so that democracy works.

13 And now this year, Senator Gold
14 looks back to the past and speaks with fondness
15 over the meetings that were in private where our
16 side walked out of the meetings. He forgets to
17 mention that Sheldon Silver has been walking out
18 regularly, but nothing, not an ounce of
19 criticism, not an ounce of criticism for the
20 Assembly who has not passed the budget bills
21 from which we could try to make a public
22 discussion and a public compromise.

23 SENATOR SKELOS: Mr. President.

1 SENATOR DeFRANCISCO: So simply
2 stated, I think that it's -- the time has come
3 to tell it like it is and be consistent, and
4 consistency would call for both houses to pass a
5 budget so that we can negotiate and get a final
6 budget in this state.

7 ACTING PRESIDENT KUHL: The Chair
8 recognizes Senator Skelos.

9 SENATOR SKELOS: Mr. President,
10 would Senator DeFrancisco yield?

11 SENATOR DeFRANCISCO: Yes.

12 ACTING PRESIDENT KUHL: Senator
13 DeFrancisco, do you yield to Senator Skelos?
14 The Senator yields.

15 SENATOR SKELOS: Senator
16 DeFrancisco, I recall for the two prior years
17 when our good friends on the Minority side of
18 the aisle were yelling about reform and changes
19 in the light of the day, one of the major
20 reasons, I understand, that they voted against
21 the budget, Mario Cuomo's budgets of the past,
22 was the fact that the Minority Leader of the
23 Senate and the Minority Leader of the Assembly

1 were not allowed to go to the leaders'
2 meetings. Do you know whether that's changed
3 this year and whether it's five-way negotiations
4 now, or not?

5 SENATOR DeFRANCISCO: I know it's
6 five-way negotiations. That's my under
7 standing.

8 SENATOR SKELOS: Thank you very
9 much.

10 SENATOR GOLD: Would the Senator
11 yield to another question?

12 ACTING PRESIDENT KUHL: Senator
13 DeFrancisco, do you yield to Senator Gold?

14 SENATOR DeFRANCISCO: I would be
15 more than happy to.

16 ACTING PRESIDENT KUHL: The
17 Senator yields.

18 SENATOR GOLD: Senator, maybe it
19 works differently in Syracuse than in New York
20 City, but how do you go to meetings -

21 SENATOR DeFRANCISCO: I hope so.

22 SENATOR GOLD: How do you go to
23 meetings that don't get called, Senator? Would

1 you explain that to me.

2 SENATOR DeFRANCISCO: Well,
3 there's a meeting going on right now, I
4 understand, and the last meeting that was held,
5 after about ten minutes Mr. Silver left, said he
6 didn't want to sit down with David Duke, I
7 believe. So why call a meeting if someone is
8 going to walk out and not participate? Why call
9 a meeting to negotiate when there's nothing on
10 the table to negotiate with?

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

13 SENATOR DeFRANCISCO: And that's
14 the way we do it in Syracuse.

15 SENATOR GOLD: Will the Senator
16 yield to a question?

17 SENATOR DeFRANCISCO: Let me just
18 finish.

19 The way we do it in Syracuse -
20 this is how negotiations go on in Syracuse. I
21 don't know how they go on in New York City. In
22 Syracuse, one negotiator puts a plan on the
23 table, the other negotiator puts a plan on the

1 table and you negotiate from two plans. It's
2 not one person puts a plan on the table, another
3 person says, "No, that's not good. Give me
4 something else. No, that's not good. Give me
5 something else." I don't think they negotiate
6 that way in New York City either.

7 SENATOR GOLD: Will the Senator
8 yield to a question?

9 SENATOR DeFRANCISCO: Yes.

10 ACTING PRESIDENT KUHL: Senator
11 DeFrancisco yields.

12 SENATOR GOLD: First of all,
13 Senator, I'm sure in Syracuse, when one puts
14 their plan on the table and the other one puts
15 their plan on the table, it's in the same room,
16 and if the Governor doesn't call people into the
17 same room, I don't know what help that is but,
18 Senator, I'm told that, while Senator Bruno,
19 according to Senator Skelos, may be meeting with
20 the Governor, that that is not a five-way
21 meeting, so I may be missing something. I want
22 you to explain to me how significant it is to
23 stand up and say that negotiations are five-way,

1 not three-way if, in fact, there are no meetings
2 and no conversations.

3 SENATOR DeFRANCISCO: Well, quite
4 frankly, I think the meetings should be 211-way
5 meetings, and the way that happens is both
6 houses put bills on the floor, debate so the
7 Minority has a chance to criticize, the Majority
8 has a chance to promote their particular points
9 of view and, to me, it's not a question of us
10 being in the same room with bills, because we
11 have a different chamber here. We've passed our
12 bills in this chamber while the Assembly puts
13 out press releases.

14 So I think the breath of fresh
15 air that you have been begging for and
16 complaining about over the last several years is
17 here. It's really here. We need one more
18 component; that's the Assembly to pass some
19 bills so the public can see where everybody
20 stands.

21 ACTING PRESIDENT KUHL: Senator
22 Dollinger, why do you rise?

23 SENATOR DOLLINGER: Would Senator

1 DeFrancisco yield to a question?

2 SENATOR DeFRANCISCO: Yes.

3 SENATOR DOLLINGER: I appreciate
4 your -

5 ACTING PRESIDENT KUHL: Senator
6 Dollinger, wait just a minute. The Chair has
7 been very, very lax in not asking all of you to
8 go through the Chair. This is not meant to be a
9 dialogue nor a diatribe in this chamber. I
10 would respectfully request that you wait for the
11 Senator to be asked if he yields, and then for
12 him to respond, and then for the recognition on
13 the floor of the chamber.

14 Now, Senator DeFrancisco, do you
15 yield to Senator Dollinger?

16 SENATOR DeFRANCISCO: Yes.

17 ACTING PRESIDENT KUHL: The
18 Senator yields.

19 Senator Dollinger.

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

22 I appreciate your comments about
23 the breath of fresh air. If that breath of

1 fresh air is blowing -- my understanding is that
2 we passed a capital budget bill and the Assembly
3 has passed a capital budget bill -- why has
4 there been no Conference Committee to reconcile
5 the difference between those budget bills,
6 exactly the same as the two bills that we did
7 for the 65-mile-an-hour speed limit?

8 SENATOR DeFRANCISCO: Thank you
9 for asking.

10 Now, let me -- let me -

11 SENATOR DOLLINGER: You're
12 welcome.

13 SENATOR DeFRANCISCO: Since
14 you're a lawyer and you've negotiated things,
15 let's -- let me ask you this: Don't you have to
16 have the whole proposal on the table to
17 negotiate a budget? Do you go in on a
18 litigation and say, "Well, listen. Let's
19 negotiate the pain and suffering aspect of this
20 lawsuit. Let's not worry too much about the
21 wrongful death case because we'll get to that
22 later. Let's try to get as much as we can here
23 and then we're going to negotiate the wrongful

1 death, then we'll negotiate attorneys' fees,
2 then we'll negotiate something else, one at a
3 time"?

4 Anybody that negotiates that way
5 over a complete settlement is an idiot, and
6 anybody who negotiates that way without having
7 the complete budget package on the floor so that
8 you know what the final numbers are that we're
9 working from would not be negotiating properly.

10 SENATOR DOLLINGER: Mr.
11 President.

12 ACTING PRESIDENT KUHL: Senator
13 Dollinger, excuse me just a minute.

14 Senator Skelos, why do you rise?

15 SENATOR SKELOS: I believe
16 Senator DeFrancisco has the floor and I believe
17 the question was why we're not conferencing
18 state operations. I believe the Assembly
19 amended the Senate bill but did not pass it.
20 They passed debt service and state op's, not
21 capital projects.

22 ACTING PRESIDENT KUHL: Thank you
23 for the point of information, Senator Skelos.

1 Senator Dollinger.

2 SENATOR DOLLINGER: Mr.

3 President, I guess I would just respond to
4 Senator DeFrancisco. The one thing I would
5 never do in litigation is put a proposal -

6 ACTING PRESIDENT KUHL: Senator
7 Dollinger, if you're asking Senator DeFrancisco
8 to continue to yield, that's fine.

9 SENATOR DOLLINGER: I would like
10 to go on the list.

11 ACTING PRESIDENT KUHL: Senator
12 DiCarlo, Senator Waldon and after Senator
13 Dollinger on the list.

14 Thank you.

15 The Chair recognizes Senator
16 DiCarlo.

17 SENATOR DiCARLO: Thank you, Mr.
18 President.

19 I wasn't going to speak on this,
20 but I just feel I've got to stand up. I've only
21 been around here -- this is my -- beginning of
22 my second year, and from my -- basically, a
23 layman's position, I find it amazing that the

1 other side of the aisle doesn't understand what
2 the real story here is.

3 The real story is that the people
4 in this chamber and a number of you on that side
5 of the aisle who might have voted yes on parts
6 of this budget put their positions out in the
7 open for the voters and their constituents and
8 their people to see. A lot of what was in this
9 budget that we passed was not the easiest thing
10 in the world to vote on. A lot of the things in
11 the budget some of us might have had some
12 problems with because this is a very difficult
13 year, but the people in this chamber had the
14 guts as elected representatives to speak openly
15 about their positions and to vote on the future
16 of this state.

17 Some of us didn't like everything
18 in it. Some of us might have liked everything
19 in it, but at least we did what we were sent
20 here to do, and that is to take a position. I
21 believe, and I would hope that the rest of the
22 people in this state would understand what's
23 happening on the other side of this building.

1 The reason that they haven't voted on a budget,
2 the reason they haven't passed a budget is that
3 they cannot pass a budget in the light of day.

4 Speaker Silver and the people who
5 control the other house know that, if they ever
6 came public with what they really want, it would
7 upset a lot of people, namely a lot of their own
8 members. So they would rather lurk in the dark
9 hallways of the Capitol and try to come out with
10 an agreement in the darkness rather than come
11 out in the light and say what they really
12 believe and what they really stand for.

13 I say shame on Speaker Silver.
14 Shame on the Democrats who control the Assembly.
15 If you have the guts to go back home and say
16 that you're against so many things or you're for
17 so many things, then you should have the guts to
18 stand here, to debate it, to take a vote and to
19 be on record with your position.

20 I'm proud of what this chamber
21 has done. As I have said earlier, I might not
22 agree with everything that we voted on, but we
23 voted on it while the Assembly is afraid to vote

1 on it because, frankly, I don't think they could
2 pass it. Frankly, I don't think the Speaker
3 over there has enough of his own members to pass
4 a bill.

5 ACTING PRESIDENT KUHL: The Chair
6 recognizes Senator Dollinger on the bill.

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

9 Two quick things. One, I want to
10 clarify my comment to Senator DeFrancisco. I'm
11 sorry he's left. There's one thing I would
12 never do in negotiation as a lawyer, is
13 something I think was done in this house. I
14 would never put a proposal on the table and say,
15 "The proposal is there. Let's negotiate the
16 budget proposal," and the very next day say,
17 "Oops! I got this 250-, 280-, \$300 million
18 piece that I left out of the proposal, but I
19 can't call it a budget. I'm instead going to
20 call it economic development, and it'll have
21 stadiums in it and it'll have tax cuts in it.
22 It'll look a lot like an amendment to the budget
23 proposals." That's the one thing that I would

1 never do in litigating -- in trying to settle a
2 case, is to say, "I've done my job.

3 ACTING PRESIDENT KUHL: Senator
4 Libous.

5 SENATOR DOLLINGER: "Oops! I've
6 got this big thing I want to tack onto the end
7 of it which I'm going to call by another name."

8 ACTING PRESIDENT KUHL: Senator
9 Dollinger, excuse me just a minute.

10 Senator Libous, why do you rise?

11 SENATOR LIBOUS: Would Senator
12 Dollinger yield for a quick question?

13 ACTING PRESIDENT KUHL: Senator
14 Dollinger, do you yield to Senator Libous?

15 SENATOR DOLLINGER: Sure.

16 ACTING PRESIDENT KUHL: The
17 Senator yields.

18 SENATOR LIBOUS: Mr. President,
19 how did Senator Dollinger vote on that
20 proposal?

21 SENATOR DOLLINGER: How did I
22 vote on that proposal? Oh, I'm willing to buy
23 -- as I've said throughout this chamber, I'm

1 willing to vote in favor of all that stuff; you
2 tack it on.

3 SENATOR LIBOUS: How did he vote
4 on that?

5 ACTING PRESIDENT KUHL: Senator
6 Dollinger?

7 SENATOR DOLLINGER: I voted yes.

8 SENATOR LIBOUS: Thank you, Mr.
9 President.

10 SENATOR DOLLINGER: Exactly what
11 I said at the time I voted is that, if you want
12 to play that game, if you want to do that, I'm
13 willing to buy into that. I understand the
14 politics of that. What I'm simply suggesting is
15 -- in response to Senator DeFrancisco is I
16 don't think it's one way to negotiate to say,
17 "Here's the lump sum; it's all done and, oh, by
18 the way, we got this other thing that we want to
19 tack on off-line."

20 I would just point out one other
21 thing, Mr. President. A lot has been made about
22 guts and courage. May be a lot of courage on
23 the other side of the aisle. From another

1 perspective, it might simply be that there
2 hasn't been a lot of courage; that the whistle
3 has been blown by Chairman Powers to back the
4 Governor and to put George Pataki's plan in
5 front of the people of this state and, instead
6 of exercising courage, what people are doing is
7 simply falling in line. That may be another way
8 to look at it. Maybe we'll let the voters
9 decide that, because it certainly seems that
10 that's the politics of what's going on in this
11 state today.

12 ACTING PRESIDENT KUHL: Senator
13 Marcellino, why do you rise?

14 SENATOR MARCELLINO: Mr.
15 President, would the Senator yield for a
16 question?

17 ACTING PRESIDENT KUHL: Senator
18 Dollinger, do you yield to Senator Marcellino?

19 SENATOR DOLLINGER: I would be
20 glad to.

21 ACTING PRESIDENT KUHL: The
22 Senator yields.

23 SENATOR MARCELLINO: Senator

1 Dollinger -- through you, Mr. President -- I
2 would think that we would all be in favor of a
3 budget that spends less than we did last year.
4 Would that be a fair statement, sir?

5 SENATOR DOLLINGER: I'm not sure
6 -- I wouldn't make that judgment until I saw
7 what it looked like, Mr. President.

8 SENATOR MARCELLINO: Through you,
9 sir, Mr. President.

10 ACTING PRESIDENT KUHL: Senator
11 Dollinger, do you continue to yield to Senator
12 Marcellino?

13 SENATOR DOLLINGER: I will.

14 ACTING PRESIDENT KUHL: The
15 Senator yields.

16 SENATOR MARCELLINO: Would you be
17 in favor of a budget that provided tax relief
18 for our population?

19 SENATOR DOLLINGER: Depending on
20 what the spending was attached to it, Mr.
21 President, I would certainly look at that. I'm
22 not convinced that that would necessarily earn
23 my vote, that fact alone.

1 SENATOR MARCELLINO: So would it
2 be fair to state then that -

3 ACTING PRESIDENT KUHL: Senator
4 Dollinger, do you continue to yield?

5 SENATOR DOLLINGER: I will, Mr.
6 President.

7 ACTING PRESIDENT KUHL: The
8 Senator continues to yield.

9 SENATOR MARCELLINO: Through you,
10 sir. Would it be fair to state then that the
11 Senator would want to spend more and raise
12 taxes?

13 SENATOR DOLLINGER: Mr.
14 President, it all depends on what that spending
15 would go for. I have talked a number of times
16 in this chamber about what I would support and
17 what I wouldn't support. What I made very clear
18 with this budget by my votes is that I'm not
19 prepared to spend -- support the spending
20 package and the taxing package that's been
21 approved by the Majority of this house, period.

22 SENATOR MARCELLINO: Mr.
23 President, would Senator -

1 ACTING PRESIDENT KUHL: Senator
2 Dollinger, do you continue to yield?

3 SENATOR DOLLINGER: Yes, Mr.
4 President.

5 ACTING PRESIDENT KUHL: The
6 Senator continues to yield.

7 SENATOR MARCELLINO: Would the
8 Senator agree that, at the very least with
9 respect to negotiations, that this house has
10 presented a package that you and all of us could
11 make a fair decision; whether you agree with the
12 tax cuts, whether you agree with the lack of
13 spending or the reduced spending, whether you
14 agree with the capital funding, whether you
15 agree with any aspect of it, at the very least,
16 this house has had a budget to negotiate, to
17 debate and to argue back and forth with; do you
18 see another budget on the other side to do the
19 same critical analysis of -

20 SENATOR DOLLINGER: Mr.
21 President, just by way of clarification, do you
22 include the economic development stimulus
23 package as part of that budget?

1 SENATOR MARCELLINO: Include it
2 all.

3 SENATOR DOLLINGER: Include the
4 whole thing?

5 SENATOR MARCELLINO: You got it
6 all in front of you. My question, sir, is we
7 have it all in front of us, whatever it is, the
8 economic development package. We have the
9 reduced spending package. We have the tax cut
10 package. We have the capital budget package.
11 We have state op's. We have it all.

12 Now, I'm new to this chamber. I
13 will admit to being green as grass in all of
14 this stuff, but at least it's there in front of
15 you. You could take that home to your district
16 and rant and rave and do whatever you want -
17 and I don't mean to characterize anything you
18 do. It's just a statement, but you could make
19 anything of it you wish. At least it's
20 something to put your teeth into.

21 I see nothing coming from the
22 Assembly that we -- until very recently, that we
23 could do the same with. Would you agree with

1 that, sir?

2 SENATOR DOLLINGER: I would
3 certainly agree, Mr. President, by passing this
4 budget and perhaps by making a statement about
5 economic development, there has been a position
6 advanced by the Senate Majority that they would
7 like to accept the Governor's proposals from
8 downstairs. I believe that's a clear statement.

9 SENATOR MARCELLINO: You think
10 the budget would certainly -

11 ACTING PRESIDENT KUHL: Senator
12 Dollinger, do you continue to yield?

13 SENATOR DOLLINGER: Yes, I will,
14 Mr. President.

15 ACTING PRESIDENT KUHL: The
16 Senator continues to yield.

17 SENATOR DOLLINGER: I apologize.

18 SENATOR MARCELLINO: Are you
19 okay?

20 SENATOR DOLLINGER: Yeah, I am.

21 SENATOR MARCELLINO: I can give
22 you CPR. A little Heimlich is good too.

23 Do you think the budget that we

1 passed is the same budget that the executive
2 branch sent down originally?

3 SENATOR DOLLINGER: At least from
4 my perspective -- again, talking from my
5 perspective in my district, I think with minor
6 alterations, it is. That's my personal opinion.

7 SENATOR MARCELLINO: \$500 million
8 -- sir, on the bill. \$500 million -

9 ACTING PRESIDENT KUHL: Senator
10 Marcellino, there are a couple other people
11 ahead of you.

12 SENATOR MARCELLINO: Go right
13 ahead. I'm sorry.

14 ACTING PRESIDENT KUHL: Thank
15 you, Senator Dollinger.

16 Senator Paterson.

17 Senator DeFrancisco.

18 SENATOR DeFRANCISCO: Would
19 Senator Dollinger yield to a question?

20 ACTING PRESIDENT KUHL: Senator
21 Dollinger, do you want to yield to Senator
22 DeFrancisco?

23 SENATOR DOLLINGER: I would be

1 glad to, Mr. President.

2 ACTING PRESIDENT KUHL: Senator
3 DeFrancisco, the Senator yields.

4 SENATOR DeFRANCISCO: Senator
5 Dollinger, do you believe that the Assembly
6 should pass a budget of its own in the light of
7 day so that we could see what their position is
8 in this budget process?

9 SENATOR DOLLINGER: Mr.
10 President, I'm not -- for one, I'm not prepared
11 to substitute my judgment as to what the
12 Assembly would do or the Speaker or the other
13 two -- 150 members over there, but I do agree
14 with Senator DeFrancisco, that there is a
15 starting point for every negotiation, there is a
16 continuation point in every negotiation, and
17 there is an end point. I'm not sure -- and I
18 guess I'm not satisfied that what I have heard
19 about the negotiations today suggest that the -
20 even the negotiators have gotten to the point of
21 talking about major issues that would affect
22 this budget and, from my point of view, again,
23 I'm not defending the Speaker. I don't know

1 what the Speaker wants to do. I haven't talked
2 to him about it. I leave that up to the wisdom
3 of the Speaker. It's his house. It's his
4 Majority. It's his members that elect him. Let
5 him decide what his members want him to do.

6 SENATOR DeFRANCISCO: Would
7 Senator Dollinger yield to the same question?

8 ACTING PRESIDENT KUHL: Senator
9 Dollinger, do you yield?

10 SENATOR DeFRANCISCO: I'm asking
11 you your opinion as a member of the legislative
12 branch, do you believe it would be helpful to
13 have the Assembly pass a budget so that nego-
14 tiations -- the starting point of negotiations
15 could be defined on April 17th?

16 SENATOR DOLLINGER: I would just
17 ask Senator DeFrancisco to yield to the same
18 answer. I think I made it clear. I would leave
19 that up to the Speaker.

20 SENATOR DeFRANCISCO: So you have
21 no opinion on that?

22 SENATOR DOLLINGER: From the
23 point of view of negotiating this budget, I

1 leave that judgment up to the Speaker.

2 SENATOR DeFRANCISCO: I have
3 nothing further.

4 ACTING PRESIDENT KUHL: The Chair
5 recognizes Senator Paterson.

6 SENATOR PATERSON: Thank you, Mr.
7 President.

8 Mr. President, if I'm correct,
9 we're on Calendar Number 452, which relates to
10 Medicaid, but it seems that we have gravitated
11 into a discussion that will involve Calendar
12 Number 436, and I wanted to know if the Acting
13 Majority Leader would yield to a question
14 related to the payment of state personnel?

15 SENATOR VELELLA: Yes.

16 ACTING PRESIDENT KUHL: Senator
17 Velella?

18 SENATOR VELELLA: Yes.

19 ACTING PRESIDENT KUHL: The
20 Senator yields.

21 SENATOR VELELLA: Yes.

22 SENATOR PATERSON: Thank you, Mr.
23 President.

1 Senator Velella, in this bi
2 weekly piece of legislation that will provide
3 for the payment of -- will conduct state
4 operations and will pay the legislative and
5 judiciary, I noticed the same items that existed
6 two weeks ago, meaning that members of the
7 Governor's staff will continue to be paid under
8 the Federal Fair Labor Standards Act; is that
9 correct?

10 SENATOR VELELLA: Yes, that's
11 correct.

12 SENATOR PATERSON: And I would
13 like an explanation, if you would yield for this
14 question, as to why it is that these employees
15 would be paid when those of equal worth and
16 value who work for the legislative staff, my
17 secretaries and support personnel, and yours as
18 well, will not be paid?

19 SENATOR VELELLA: Well, not
20 everybody in the Governor's office is getting
21 paid under this, as you well know, and his
22 secretarial staff will be paid whereas ours will
23 not, and that is because, as I understand it,

1 the interpretation of the federal law which
2 would require that they be paid as opposed to it
3 not requiring that ours be paid.

4 SENATOR PATERSON: In other
5 words, the Governor is interpreting under the
6 federal law that he has to pay?

7 SENATOR VELELLA: Well, I don't
8 know that the Governor is interpreting. I know
9 it has been interpreted.

10 SENATOR PATERSON: It has been
11 interpreted?

12 SENATOR VELELLA: I don't know if
13 that -- I honestly don't know if that's been by
14 judicial determination or by the Secretary of
15 Labor or anybody of that nature, but it has been
16 determined. I don't believe it was the Governor
17 himself. I believe it was possibly some
18 bureaucrats in Washington.

19 SENATOR PATERSON: Well, thank
20 you very much, Senator.

21 ACTING PRESIDENT KUHL: Senator
22 Paterson.

23 SENATOR PATERSON: Mr. President,

1 again through you, if Senator Velella would
2 yield. My question is -

3 ACTING PRESIDENT KUHL: Senator
4 Velella, do you yield?

5 SENATOR VELELLA: Yes.

6 ACTING PRESIDENT KUHL: The
7 Senator yields.

8 SENATOR PATERSON: Who is making
9 the interpretation and why did they interpret
10 that the legislative staff who are doing the
11 same jobs as secretarial and support staff, why
12 would they not be paid?

13 SENATOR VELELLA: Well, they're
14 not covered under the Federal -- what's the name
15 of the -- Fair Labor Standards Act, and they're
16 not covered under it, and the intent is to cover
17 those people under it by law. Those who are not
18 will not get paid, unfortunately.

19 However, I believe that there is
20 an adequate amount of funds available so that 70
21 percent of the pay will be coming to our
22 employees that will be paying them up to March
23 31st, and that will be probably 70 percent, I

1 believe, of the pay that they will be due.

2 SENATOR PATERSON: Thank you,
3 Senator.

4 I'm aware of that because two
5 weeks ago, I stated right here on this floor
6 that the Comptroller advised us that he would
7 pay out of that fund and, at that time, he was
8 actually able to pay the whole salaries, and he
9 would be very interested in paying the entire
10 salaries for the staff right now, but for the
11 fact that there isn't sufficient money in there,
12 and so he has enough to pay 70 percent of the
13 staff and he will -- he will pay 100 percent of
14 the staff 70 percent of their wages and on
15 Wednesday, April 19th, he will do that.

16 But, if Senator Velella would
17 yield for another question -

18 ACTING PRESIDENT KUHL: Senator
19 Velella, do you yield?

20 SENATOR VELELLA: Yes.

21 ACTING PRESIDENT KUHL: The
22 Senator yields.

23 SENATOR PATERSON: I have in

1 front of me, Senator Velella, Article 14 -
2 actually, Article -- Section 200 of Article 14
3 of the State Finance Law, and it says very
4 clearly that the state's -- that "the salaries
5 of officers and the wages of employees thereof
6 shall be paid -- shall be due and payable in the
7 beginning of the fiscal year," which, at the
8 time they wrote it, was April 1st, 1956.

9 So what I'm saying is that, under
10 our own state law, it would seem to me that
11 those employees must be paid, and what I'm
12 trying to find from anyone, but I'm asking you,
13 Senator, is an answer as to why they're not
14 going to be paid.

15 SENATOR VELELLA: Well, Senator,
16 let me explain to you, and I can only make it as
17 very basic and plain as possible. They would be
18 paid if the Assembly would pass a budget that we
19 could all agree upon and they could be reimburs
20 ed for the fair value of their services.

21 This house has acted. If they
22 would pass our bill, everybody could be paid.
23 There would be nobody going home without a

1 paycheck. However, the Assembly chooses to turn
2 this into a political football and they refuse
3 to pass a budget, and people are not going to be
4 paid on account of that.

5 Now, I think that's unconscion
6 able but, unfortunately, we have to live with
7 the facts as they are. We have no budget in
8 place and, in spite of the fact that that law
9 may say and that section may say that people
10 should be paid, they cannot be paid unless we
11 have a budget appropriating the money. If we
12 don't have the money, we can't pay. If the
13 Assembly doesn't pass a budget, nobody gets
14 paid.

15 Speak to Shelly Silver; don't
16 speak to me.

17 ACTING PRESIDENT KUHL: Senator
18 Paterson.

19 SENATOR PATERSON: Mr. President,
20 through you to Senator Velella.

21 ACTING PRESIDENT KUHL: Senator
22 Velella, do you yield?

23 SENATOR VELELLA: Yes.

1 ACTING PRESIDENT KUHL: The
2 Senator continues to yield.

3 SENATOR PATERSON: This calendar
4 number, 436, and this legislation is providing
5 the money for them to be paid. Now, what I'm
6 going to do, Senator, is I'm going to demur to
7 your complaint. I think Senator Gold has pretty
8 much stated the argument on behalf of the
9 Speaker of the Assembly. So for want of the
10 discussion, I'm going to go along with you.
11 Whatever you want to say about the Speaker, I'm
12 not going to argue with you about it right now.
13 What I'm saying to you, though, is that I just
14 read you the section of the law, Article 14,
15 Section 200, and it says that these employees
16 shall be paid. It doesn't say, well, if you're
17 having a big fight over the budget, you might
18 decide you don't feel like paying them. It
19 doesn't say that they can work but not be paid.
20 They did work; we both concede that. I think it
21 was a great Republican that said, In your heart
22 you know I'm right. Senator Velella, in your
23 heart you know that I'm right, so what I'm

1 really asking you is how can we pick and choose
2 the laws that we're going to abide by and then
3 just forsake those that we don't want to abide
4 by?

5 The State Finance Law says when
6 people work, they shall be paid. We can't blame
7 the employee for the actions of the employers
8 who are having a problem getting along. We have
9 the money; we're appropriating it to pay
10 everybody else. We're appropriating that money
11 to pay the secretaries in the Governor's office
12 and the support staff under the federal Fair
13 Labor Standards Act.

14 We're appropriating the money to
15 pay the salaries of some individuals who are
16 unit heads who make 104,000 a week and we're not
17 paying the interns -- I mean who make \$104,000 a
18 year and we're not paying the interns who make
19 \$104 a week.

20 And so what I'm saying to you is
21 I don't understand how anything can be
22 unconscionable, how you can make the comment
23 about the Assembly being unconscionable because

1 if you're going to make an argument in equity
2 you've got to come to the table with clean
3 hands. You can't not pay the staff and then
4 turn around and argue about what your adversary
5 is doing. You may be one hundred percent right
6 about what you want to say about your adversary,
7 but now you've made yourself a hundred percent
8 wrong by manifesting this conduct in an action
9 that is really loathesome.

10 How can you not pay the staff?

11 They worked the time. Why don't they get paid?

12 SENATOR VELELLA: You asking me
13 to yield to that question? Why don't they get
14 paid? Very simply, the reason why anybody in
15 this state is missing a paycheck is because the
16 Assembly has failed to pass the budget. Now, we
17 have done what we think is right. The Governor
18 has openly said he would sign that budget bill.
19 Everybody would be paid if Shelly would get off
20 the dime and pass a bill, but we can't negotiate
21 with someone who refuses even to act. Everybody
22 would be paid.

23 ACTING PRESIDENT KUHL: Senator

1 Paterson.

2 SENATOR PATERSON: I yielded to
3 Senator Velella.

4 ACTING PRESIDENT KUHL: Senator
5 Paterson, on the bill.

6 SENATOR PATERSON: And I commend
7 you, Senator Velella, because in fact, I think
8 that if I ever commit a crime and I'm on my way
9 to the lethal injection because we have the
10 death penalty in this state I would want you,
11 Senator Velella, to -- to defend me.

12 The reason I would want you to
13 defend me is because -

14 SENATOR VELELLA: Will the
15 Senator yield for a question?

16 SENATOR PATERSON: Certainly.

17 ACTING PRESIDENT KUHL: The
18 Senator yields.

19 SENATOR VELELLA: As you know,
20 attorneys, under the special laws now are
21 allowed to advertise. Would you publicly allow
22 me to use that statement in the future?

23 SENATOR PATERSON: I absolutely

1 would want Senator Velella to defend me.

2 SENATOR VELELLA: Thank you.

3 SENATOR PATERSON: I'm not
4 backing away from that and let me tell you why:
5 Because I know I'm guilty. I know I committed
6 the crime. I know that I did it and everyone
7 knows I did it, but Senator Velella can still
8 get up and perhaps make an argument that could
9 get me out of it, and I think that is quite
10 commendable especially in this forum, because
11 it's really, in my opinion, the artistry of
12 advocacy, and we've seen an example of it by
13 Senator Velella, and I'm impressed to the point
14 that I would retain him myself if I ever had a
15 -- that kind of a problem.

16 But when we talk about the bill,
17 Mr. President, Senator Velella's, I think,
18 expert soliloquy cannot move us away from facts
19 that are staring us right in the face. Somebody
20 years ago thought about this. That's why our
21 Constitution, both the federal one and the state
22 one, which Governor Pataki took an oath that he
23 would uphold, that's why they are such unique

1 documents and that's why they've held up over
2 such a long period of time, because our
3 ancestors thought of this. They thought about
4 this, and they decided that some things, as they
5 say, should be written in stone.

6 The staff works, the staff gets
7 paid, the federal employees under the Fair Labor
8 Standards Act, the state employees under the
9 State Finance Law. It all says the same thing.
10 If people work, they who travel here at
11 distances, they who don't make very large
12 salaries, some of them work seasonally, some of
13 them work session, they aren't involved in the
14 process. It's really not their issue to be
15 debating. They don't have political agendas as
16 we often did. They don't engage in absurd
17 extremes as we do in this chamber every day.
18 They don't walk around peddling a bunch of
19 simplistic exaggerations that often parody the
20 truth.

21 If we really want to do something
22 to set an example, we should pay them. They
23 earned it. That's what we could do to set an

1 example. But, instead, we drag them into the
2 mire of our confusion just as much as if they
3 had participated in it, and we all know good and
4 well they didn't have anything else to do. If
5 anything, they worked long hours; they've been
6 loyal, they've sponsored us with the ability to
7 have often these types of debates, and what I'm
8 saying is they earned the right to get paid, and
9 we have found a way, and this is why many of us
10 in this profession are suffering from the public
11 ridicule now.

12 We found a loophole, but we
13 didn't even find a loophole. We just didn't pay
14 them and engaged in the art of sophistry, of
15 standing up and making a bunch of intellectual
16 explanations that actually parody the truth, and
17 the truth is they worked and they should have
18 gotten their money, and we didn't pay them.

19 That's the whole truth of the
20 whole issue, and we have spent more time on this
21 floor debating this absurd discussion -

22 ACTING PRESIDENT KUHL: Senator
23 Paterson, excuse me just a minute. Senator

1 Waldon, why do you rise?

2 SENATOR WALDON: I would like to
3 know if the learned Senator from the town of
4 Harlem would yield to a question or two?

5 ACTING PRESIDENT KUHL: I assume
6 that was Senator Paterson you're talking about?

7 SENATOR WALDON: Yeah.

8 ACTING PRESIDENT KUHL: Senator
9 Paterson, would you yield to Senator Waldon?

10 SENATOR PATERSON: Yes, I do.

11 ACTING PRESIDENT KUHL: The
12 Senator yields.

13 SENATOR WALDON: Thank you very
14 much, Mr. President. Thank you very kindly,
15 Senator Paterson.

16 Senator Paterson, I just heard
17 you say "we" did not pay them. Are you aware,
18 Senator, of a letter that came across your desk
19 some many days ago, signed by the Governor of
20 this state, stating that he would stop all
21 checks for all state employees if we, the
22 legislative body, did did not pass his budget?
23 Are you aware of that, Senator Paterson?

1 SENATOR PATERSON: Yes, I am,
2 Senator Waldon. He didn't actually sign my
3 letter, but he did send it to me. You're
4 absolutely correct, and to augment that answer,
5 I would say that when I used the term "we", I
6 was just taking responsibility, as I'm sure we
7 all do, for being unable in three weeks of
8 discussion, to convince the Governor as his
9 colleague, as someone that works with him in the
10 Legislature, he being the head of the executive
11 branch and those of us being the legislative
12 branch, I was really talking about those of us
13 in the profession, those of us who are elected
14 officials, those of us who are politicians, and
15 I meant that when Governor Pataki fails, in my
16 mind, in some ways we all fail because it is
17 hard for individuals to distinguish who is
18 actually doing it and of those such as yourself,
19 Senator Waldon, who are sophisticated and
20 understand these things, we're here every day,
21 although I would suggest sometimes when you're
22 here every day you understand things less than
23 if you weren't here, those who don't have that

1 privilege really just know that there is some
2 kind of discrepancy and can't put a label on it,
3 and so in using the term "we," I was really just
4 trying to say that it's something that in a
5 sense is a cross we're all going to have to
6 bear. It is a responsibility that we're all
7 going to have to take and turning the discussion
8 into whether or not the Assembly passed the
9 budget, well, what if the Assembly did pass the
10 budget? The Assembly could have passed the
11 budget before April 1st, I'm sure that wouldn't
12 have been a particularly difficult thing to do.
13 They pass the budget and the two budgets don't
14 agree, we'd still be standing here, but our
15 staffs would still not be paid, so the Assembly
16 not passing the budget couldn't have been the
17 answer.

18 The answer, I think, is in your
19 question, Senator Waldon, that the Governor
20 decided that he was going to take responsibility
21 and he wrote to all of us, and he was very
22 public about this; he said this at his State of
23 the State message, or on January the 5th, he

1 said that, "if the budget does not get passed,
2 you will not get paid and neither will I."

3 At the time, he didn't say
4 anything about the staff, but he went on to, at
5 one point, threaten to close down the whole
6 state. He was going to pay -- he wasn't going
7 to pay any of the state employees, but their
8 unions came forward and stood up on the issue
9 and then the Governor backed down.

10 Now, we come to the legislative
11 staff, and when we look at the legislative
12 staff, they don't have a union. Nobody wanted
13 to speak up for them, and so finally, it was
14 determined to do it in this particular way which
15 is a manner that is disproportionate, and then
16 to use a term, the federal Fair Labor Standards
17 Act, which is really nothing more than a term.
18 It's an act, but it's not even the reason that
19 the Governor's support staff should be getting
20 paid. They would qualify under the State
21 Finance Law as does every other state employee
22 that happens to be part of the legislative and
23 executive staff.

1 And so the real answer to this is
2 that, again, we have played a game to try to
3 gain political advantage, and then to get up and
4 talk about whatever political advantages that
5 the Assembly is trying to take really ridicules
6 the whole process, because if anybody is going
7 to stand on principle, then they can't at the
8 same time be violating the laws of the state of
9 New York.

10 And so, I am -- I stand
11 corrected, Mr. President, by Senator Waldon. I
12 guess it really isn't "we." Senator Waldon got
13 up and talked about this two weeks ago. I
14 talked about it. Senator Gold did. Senator
15 Leichter did and Senator Dollinger spoke about
16 it and so did others, and yet two weeks later
17 we're right back here in the same bill. I feel
18 as if the two weeks of my life meant nothing.
19 I'm still standing here.

20 I feel like Bill Murray on
21 Groundhogs' Day. I'm back up again making the
22 same mistakes that we made two weeks ago as if
23 it was yesterday. And does this mean that two

1 weeks from now zero percent of the salaries of
2 the staff won't get paid if we don't pass the
3 budget? We're going to blame that on the
4 Assembly when, in fact, we come to the
5 Governor.

6 Now, we come to the person who
7 really should account for this situation. He is
8 the person that put this discussion on the table
9 in the first place. Now, either he wants to pay
10 the staff or he doesn't want to pay them. He
11 hasn't answered in the affirmative or in the
12 negative. He has just decided to engage in this
13 sophistry of trying to make some sort of
14 comparison between a federal act and a state act
15 when they both mandate that the employees be
16 paid.

17 If you ask the individual -- the
18 individuals who drafted the federal Fair Labor
19 Standards Act and told them that you were going
20 to use that act to pay some employees and not
21 pay the others, they would be outraged. That's
22 not what the federal Fair Labor Standards Act
23 was written for. It was in -- it was written to

1 protect federal employees, but the under
2 standing was the dicta, the spirit of that act
3 is that everybody would get paid as long as they
4 were individuals who were employees in the
5 actual process.

6 SENATOR WALDON: Mr. President,
7 will the Senator yield to another question?

8 ACTING PRESIDENT KUHL: Is that
9 explanation satisfactory, Senator Waldon?

10 Senator Paterson, do you yield to
11 another question? The Senator yields.

12 SENATOR PATERSON: From the
13 distinguished Senator from the 10th Senatorial
14 District, I would do just about anything.

15 SENATOR WALDON: Thank you very
16 much, Senator Paterson.

17 SENATOR PATERSON: Mr. President,
18 just suggest no, I wouldn't do anything but most
19 things.

20 ACTING PRESIDENT KUHL: Senator
21 yields.

22 SENATOR WALDON: I won't ask you
23 to do anything; I'll just ask you to do most

1 things, Senator.

2 Senator, in your knowledge of
3 this nation, have you ever seen a precedent such
4 as this before in the books you've read and the
5 conversations you've had and the information
6 that's been brought to you by various and sundry
7 sources, that a Governor, on his own initiative
8 and in absolute contraindication of the laws of
9 the state he serves, refused to pay people for
10 their labor?

11 SENATOR PATERSON: Mr. President,
12 through you: Senator Waldon, this is
13 unprecedented. This is, in my opinion, a real
14 misfeasance of duty when it comes to applying
15 the laws of the state of New York. This is why
16 we all, whether we be governors or state
17 Senators or Assembly members, take an oath and
18 that oath means that we're not disallowed from
19 having political agendas. We're not in any way
20 askance from having a point of view. We don't
21 eschew our right to be individuals, but at the
22 same time we have sworn to uphold the
23 Constitution and the laws therein.

1 The laws speak to this issue very
2 clearly. The laws speak to the fact that the
3 individuals who drafted them understood that in
4 a very contentious negotiating process during a
5 budget, that there could be this attempt to drag
6 others into the process, to create a climate
7 that would be more conducive to passing a budget
8 through the individual's eyes. And they ruled
9 on it.

10 They wrote the law, and you know
11 what they wrote, Senator Waldon? They wrote, Pay
12 the staff. They worked and they earned it. Pay
13 the staff, and what's so amazing about this is
14 the contradiction in the roles of those who are
15 going to be paid or not paid. We're going to
16 confirm two people today who are going to get
17 paid. We're just getting around to confirming
18 them, and we have individuals who are making
19 91-, \$92,000 a year, \$104,000. Mr. King makes
20 104,000. We're not even paying our interns.
21 We're not paying secretaries. We're not paying
22 computer operators; we're not paying support
23 staff. We're not paying people who may live on

1 a check to check basis. We're not paying people
2 who need that money.

3 They're not putting it in an
4 IRA. They're not putting it in savings and
5 loans associations. They're not frittering it
6 away in stock options. They need the money.
7 They need it for the tangibles of existence, the
8 fungibles of life, and we're not going to do
9 that because we're having an argument.

10 What an example that we're
11 setting! What a mockery of the system! And yet
12 getting up and blaming each other on a bi... on
13 a basis of political rhetoric, it really is
14 something that is as unpardonable as whatever it
15 is that's being objected to and so, Senator
16 Waldon, in answer to your question, no, I've
17 never heard of something such as that.

18 SENATOR WALDON: Just to close,
19 Mr. President.

20 ACTING PRESIDENT KUHL: Senator
21 Waldon.

22 SENATOR WALDON: I may ask the
23 Senator to yield to only one or two more

1 questions.

2 ACTING PRESIDENT KUHL: Senator
3 Paterson, do you yield to another question from
4 Senator Waldon?

5 SENATOR PATERSON: Yes, Mr.
6 President.

7 ACTING PRESIDENT KUHL: Senator
8 yields.

9 SENATOR WALDON: Senator
10 Paterson, let me thank you for your kind
11 indulgence to these questions. I do not want
12 you to specifically blame -- I do not want you
13 to specifically blame anyone for the dilemma
14 that we're facing now in terms of the little
15 people not being paid, but would you, in a
16 hypothetical sense, characterize the refusal to
17 pay the little people in this scenario, an
18 absolute and unequivocal abuse of power? Or
19 could you? I said hypothetical, Senator.

20 SENATOR PATERSON: Mr. President,
21 would the Senator please repeat the question in
22 a shortened version?

23 SENATOR WALDON: I shall attempt,

1 Mr. President, through you.

2 Senator Paterson, the issue we're
3 talking about or have been dialoguing about over
4 the past few minutes is an absence of pay in
5 part this week and, in futuro, an absolute
6 absence of pay for the little people and a
7 distinction between those who will be paid and
8 those who will not, with those being paid being
9 closest to certain power zones versus those who
10 are not closest to those power zones.

11 And so rather than be extremely
12 specific about the antagonists in this
13 particular life drama, I ask you in a
14 hypothetical sense, would you characterize an
15 abuse -- an action of this nature, refusing to
16 pay the little people who have, in fact, worked
17 for their pay, and I've said before an absolute
18 unequivocal abuse of power, this time I'll
19 rephrase it and say would you characterize and
20 say in this hypothetical, that this as an abuse
21 of power?

22 SENATOR PATERSON: Yes.

23 SENATOR WALDON: I appreciate the

1 succinct response this time, Senator Paterson.

2 SENATOR PATERSON: Mr.

3 President.

4 SENATOR WALDON: What it lacked

5 in -

6 ACTING PRESIDENT KUHL: Senator
7 Paterson, do you continue to yield? The Senator
8 yields.

9 SENATOR WALDON: Senator
10 Paterson, I will preamble my question with some
11 reflections. We have heard from the other side
12 of the aisle today many admonitions blaming
13 Sheldon Silver for his refusal to put on the
14 table a package that could be dealt with, that
15 could be negotiated.

16 We have heard barbs thrown from
17 both sides of the aisle in regard to the current
18 process and previous processes which we have
19 dealt with regarding the budget. What we need
20 to do in our deliberations, it seems to me, is
21 to come up with an answer. Do you have any idea
22 or any recommendations to the second floor, to
23 our house or to the other house, how we can

1 bring this process to closure so that the little
2 people will not suffer so who live hand to
3 mouth, week to week, paycheck to paycheck, and
4 so that we could come to a resolution of the
5 budget process?

6 And I thank you very much for
7 your indulgence, Senator Paterson, and I thank
8 you very much, Mr. President.

9 ACTING PRESIDENT KUHL: Senator
10 Paterson.

11 SENATOR PATERSON: Pay the
12 staff. That would be my answer, and the reason
13 that I would say that is that, how much more
14 foresighted -- foresighted would it have been
15 had we determined at some time in the past that
16 we were going to handle the situation either by
17 not paying anybody or, if we were going to just
18 let those individuals who are in the decision
19 making process, being those of us who are
20 legislators, let us stand up and take
21 responsibility for the fact that we haven't
22 passed a budget and deny ourselves the salaries
23 during that particular time.

1 Now, I actually think that
2 constitutionally that there is really a
3 preemption to some degree, and that there is an
4 unfair advantage when one branch can influence
5 the salaries or the paycheck receiving of
6 another branch, and that it really impinges upon
7 the constitutional advice that we get on
8 separation of powers.

9 But I'm not even here to discuss
10 really the legislative staff, most of the
11 legislators kind of accept that, but this idea
12 of finding a reason to pay some staff members
13 and not to pay others, and shrouding it in a
14 federal Fair Labor Standards Act which was never
15 intended for that particular purpose, and it
16 just happens that those individuals who qualify
17 under that act work for you and the individuals
18 who are in the legislative branch, meant all of
19 them in this chamber, not just the Minority but
20 the Majority, really is, as Senator Waldon said,
21 boggles the mind as to the integrity of the
22 process.

23 And at that point, to get up and

1 let the public think that we're really talking
2 about budget negotiations when we're spending
3 our time arguing over the same issue we argued
4 over two weeks ago, I just would submit, Mr.
5 President, that this is not the way to run an
6 airlines; it's not the way to run a government.
7 It is really not something that we should be
8 proud of. It really brings a cloud of sort of
9 mournful circumstance over the entire process
10 because it opens the door to the insinuation
11 that we are politicizing the process.

12 ACTING PRESIDENT KUHL: Excuse
13 me, Senator Paterson. Senator Waldon, why do
14 you rise?

15 SENATOR WALDON: I wanted to ask
16 one last question.

17 ACTING PRESIDENT KUHL: Senator
18 Gold, why do you rise?

19 SENATOR GOLD: I was going to ask
20 you to yield, but I yield to Senator Waldon.

21 ACTING PRESIDENT KUHL: Senator
22 Paterson, do you yield to Senator Waldon?

23 SENATOR PATERSON: Yes, Mr.

1 President.

2 ACTING PRESIDENT KUHL: Senator
3 Paterson yields. Senator Waldon.

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

7 Senator Paterson, I read in the
8 paper the other day that we're losing \$13.2
9 million a day, because we do not have a budget
10 in place. I don't -- my memory may fail me in
11 terms of the specific figure, but I think that's
12 a ball park that's fairly accurate. Are you
13 aware of that figure?

14 SENATOR PATERSON: Well, that
15 would be 221 -- \$224.2 million that we've lost
16 since April 1st by my calculations.

17 SENATOR WALDON: Mr. President.

18 ACTING PRESIDENT KUHL: Senator
19 Paterson continue to yield?

20 SENATOR PATERSON: Yes.

21 ACTING PRESIDENT KUHL: Senator
22 continues to yield.

23 SENATOR WALDON: Mr. President,

1 considering that we've lost that by not having
2 passed a budget to this date, would the small
3 amount of money that it would take to pay staff
4 put us much deeper in the hole, staff that we've
5 been talking about this afternoon, or would it
6 be minuscule in comparison to that amount of
7 money that we've already thrown away by not
8 having a budget?

9 SENATOR PATERSON: Mr. President,
10 through you to Senator Waldon, I think it would
11 be kind of what Senator Stafford often refers to
12 as de minimus res manos lex. It's such a small
13 amount of money when it is transposed over the
14 incredible amounts of money that we're losing
15 and the fact that we are going to have to put
16 this money back into the budget and pay the
17 staff later on, that it is really a non-issue
18 except for whatever institutional political
19 value it would have, because it is well known
20 that the staff members are considered to be
21 cronies of the elected officials. They are
22 labeled by the press to be at times
23 unqualified. There are allegations of

1 corruption. There are stories that people hire
2 their relatives and their family members to work
3 on their staffs.

4 Very much to the contrary of how
5 -- the staffs that I have had to work with
6 among my colleagues and right here around the
7 Legislative Office Building and the Capitol. I
8 find that these individuals display a high
9 degree of professionalism. They don't know when
10 they're going to go home when they come to
11 work. They don't really have any reprisal if
12 they are dismissed by the principal.

13 They are individuals who work far
14 into the night when we have sessions that
15 evening. There's no overtime pay. I think
16 that, as in any other profession, there are
17 individuals who certainly bring harm to the
18 profession too, by their independent acts, but I
19 think these are people who don't need to be
20 pawns in a chess game, who don't need to be
21 relegated to the uncertainties that they're in
22 right now.

23 And so I agree with you, Senator

1 Waldon, there's absolutely no reason to even
2 fiscally cause the -- the state employees to -
3 the legislative staff to endure a burden. It's
4 not even costing us that much money to pay
5 them.

6 SENATOR WALDON: Thank you,
7 Senator Paterson. I thank you, Mr. President.
8 I thank my colleagues for indulging me.

9 ACTING PRESIDENT KUHL: Senator
10 Gold, why do you rise?

11 SENATOR GOLD: Would Senator
12 Paterson yield to one question?

13 ACTING PRESIDENT KUHL: Senator
14 Paterson, do you yield to Senator Gold?

15 SENATOR PATERSON: Yes, Mayor
16 Gold.

17 ACTING PRESIDENT KUHL: Senator
18 yields.

19 SENATOR GOLD: Senator, I mean
20 this has been going on. Isn't it a fact, that
21 if the truth be told, that we have really lost
22 the day already? We've been talking, we have
23 let the other side convert this into a

1 conversation as to who's at fault, who is not at
2 fault, whether the budget delay is the fact that
3 Shelly Silver did or did not do this or they did
4 that, isn't it really a simple issue that we
5 have a series of bills put forth by a governor
6 who is defrauding the people? He has taken the
7 position that he will not accept money, that
8 nobody should get money while he lives in a free
9 house provided by the people, eats free food
10 provided by the people, who is able to go down
11 to Long Island and apparently come back in time
12 to meet with Senator Bruno, I assume the state
13 plane provided by the people, all of this while
14 we go through the silly machinations of who's at
15 fault.

16 Isn't it a fact, Senator
17 Paterson, that, when Governor Cuomo could not
18 reach an agreement, at least he kept calling
19 people together. It didn't matter whether
20 Senator Anderson walked out; it didn't matter
21 whether Senator Marino walked out. It didn't
22 matter what they did. It didn't matter how
23 insulting they were. It didn't mean how

1 irresponsible they were. It was up to the
2 governor to gulp and keep it going, keep the
3 conversations going, whether it was behind
4 closed doors, out in the front, in the press, by
5 bills, it didn't matter. It was the governor's
6 responsibility to keep it going.

7 Ego is not the issue. The
8 rhetoric that we've heard has been terrible,
9 from everybody. I don't -- I'm not here to
10 defend Shelly Silver. I didn't elect him. The
11 rhetoric's been terrible, but isn't it a fact
12 that the bottom line here is hypocrisy,
13 hypocrisy, because the Governor doesn't keep it
14 going, hypocrisy because the Governor takes his
15 food, takes his shelter, takes his planes and
16 cars and then tells secretaries, come to work,
17 pay your rent, eat. We're not giving you money
18 to do it.

19 SENATOR PATERSON: Yes.

20 You know, Mr. President,
21 obviously from what I've said, I agree with
22 Senator Gold, but I was reflecting when he was
23 talking about how this could actually come

1 about. I would assume that the Governor is not
2 deliberately out to hurt individuals, and I was
3 wondering how we could be at this point where we
4 are and have both of those circumstances acting
5 in time coordinately.

6 And so my answer to you, Senator
7 Gold is this: Maybe that's the problem with the
8 giving out free cars, for giving out the use of
9 the state plane, that an individual begins to
10 see the process as one of self-righteousness and
11 indignation when it really is emanating from
12 disagreement and public policy -- a disagreement
13 of public policy, excuse me.

14 What we have as a result is a -
15 an attempt to influence the process in -- by any
16 means possible in order to effect the end that's
17 most desired, and so the question that I have to
18 ask, and since I didn't ask anyone to yield, I
19 guess I'll answer it myself.

20 ACTING PRESIDENT KUHL: Excuse
21 me, Senator Paterson. Senator Waldon, why do
22 you rise?

23 SENATOR WALDON: A thought popped

1 into my head, and I wondered if the good Senator
2 from Harlem would yield to one question.

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

5 SENATOR DiCARLO: Also to ask a
6 question, but I'll wait.

7 ACTING PRESIDENT KUHL: Senator
8 Paterson, they're standing in line for you.
9 Senator Waldon has asked you to yield. Do you
10 yield to a question from Senator Waldon first?

11 SENATOR PATERSON: Yes, Mr.
12 President.

13 ACTING PRESIDENT KUHL: Senator
14 yields, Senator Waldon.

15 SENATOR WALDON: I thank you, Mr.
16 President. I apologize, Senator Paterson. I'm
17 not trying to dominate your time, but please
18 suffer this intrusion.

19 It is my understanding that we've
20 had a budget late at least 11 or 12 consecutive
21 years. Is that your understanding in a very
22 short fashion, Senator, because I'm trying to
23 get at something? Is that your understanding?

1 SENATOR PATERSON: Yes, it is,
2 Senator Waldon. I'd just like to add to that
3 that six of those years have now been exceeded
4 by the elapsed time that this budget has not
5 been passed.

6 SENATOR WALDON: And, if I may
7 continue, Mr. President.

8 ACTING PRESIDENT KUHL: Senator
9 Paterson, you continue to yield?

10 SENATOR PATERSON: Yes, Mr.
11 President.

12 ACTING PRESIDENT KUHL: Senator
13 continues to yield.

14 SENATOR WALDON: Senator
15 Paterson, in all of those previous years, did
16 the previous governors ever, ever, ever say that
17 they would not pay the little people if we, the
18 Legislature, did not pass a budget on time?

19 SENATOR PATERSON: No, they
20 never, never, never did.

21 SENATOR WALDON: Thank you very
22 much, Mr. President. Thank you very much,
23 Senator.

1 ACTING PRESIDENT KUHL: Senator
2 DiCarlo, you asking Senator Paterson to yield?

3 SENATOR DiCARLO: Yes, I am, yes.

4 ACTING PRESIDENT KUHL: Senator
5 Paterson, do you yield to Senator DiCarlo?
6 Senator yields.

7 SENATOR DiCARLO: Senator
8 Paterson, Senator Gold is out of the room, so I
9 will ask you. He's raised the point of the
10 Governor receiving free transportation and
11 everything else that goes along with it. Do you
12 -- and I don't know if Senator Gold any longer,
13 but in leadership positions, do you receive a
14 vehicle, a state car paid for by the taxpayers
15 for your use?

16 SENATOR PATERSON: Yes, I have,
17 Senator DiCarlo, and the fear that I will drive
18 it has curtailed drug dealing and juvenile
19 delinquency in my district.

20 SENATOR DiCARLO: Follow up on
21 the question.

22 ACTING PRESIDENT KUHL: Senator
23 Paterson, do you continue to yield?

1 ACTING PRESIDENT KUHL: The
2 Senator continues to yield.

3 SENATOR DiCARLO: And in the use
4 of that vehicle, does somebody else drive for
5 you? Do you also possess and are continuing to
6 use a credit card for the purchase of gas during
7 this period when we're not paying the little
8 people?

9 SENATOR PATERSON: Mr. President,
10 first of all, the one thing we're not sure of is
11 gas, but the second thing is that, Senator
12 DiCarlo, you may have misunderstood what I was
13 actually saying before, and I'll continue to
14 answer the question. I don't have a problem
15 with that, but I'm not saying that any of those
16 things are wrong. I'm not saying that there are
17 not times that those who are in leadership, for
18 instance, I would rather that the Governor use
19 the state plane. I remember a criticism of one
20 of New York City's mayors once that, why was he
21 using the helicopter so much. I would rather my
22 Governor be able to get from one place to
23 another in the shortest period of time; so, in

1 other words, I agree with that whole concept.

2 What I was saying is that quite
3 often just the fact that it exists allows
4 individuals not to understand that, although
5 they can go a few weeks without a paycheck, that
6 those who are living in the lower frequencies of
7 life, those who have very high bills, we have, I
8 think the average Niagara Mohawk bill is \$76 a
9 month right here in Albany. The -- the
10 telephone bill, if you get the flat rate you're
11 paying \$25 and you haven't even picked up the
12 phone. I mean these are some of the day-to-day
13 encumbrances that individuals who are not riding
14 on state planes or driving around in state
15 vehicles don't understand.

16 So I wasn't objecting to the fact
17 that we give out those, I think often essential
18 items to try to speed up government. What I was
19 objecting to, Senator DiCarlo, is that the
20 prevalence of their use can lead an individual
21 to the misunderstanding of feeling that, oh, you
22 know a couple of weeks without a paycheck, that
23 won't hurt anybody. But it really can. It can

1 damage people's credit ratings. It can make it
2 such that they're not paying their rent, the
3 landlord starts asking, and the landlord doesn't
4 want to be referred to, not even Governor Pataki
5 but the bureaucrats, as Senator Velella said
6 before, as to who made the determination of why
7 the next door neighbor who works for the
8 executive branch can pay her rent and you can't
9 pay your rent. That was why I brought that up.

10 SENATOR DiCARLO: Mr. President,
11 through you also, a question for Senator
12 Paterson.

13 ACTING PRESIDENT KUHL: Senator
14 Paterson, do you continue to yield to Senator
15 DiCarlo? Senator Paterson yields.

16 SENATOR DiCARLO: Senator
17 Paterson, probably you're not the best person
18 for me to be asking this question, but you're in
19 the leadership position, and my question is
20 coming basically from the angle of hypocrisy
21 from some on your side who attacked the Governor
22 for things which are provided him by our
23 government, but yet I would find that they don't

1 object or they haven't objected or when they
2 were in leadership positions they did not object
3 to continuing some of those perq's they got.

4 So my question to you, and you've
5 answered it, is yes, those little credit cards
6 which are used for gasoline are still being used
7 and I thank you for answering that question.

8 SENATOR PATERSON: Mr. President.

9 ACTING PRESIDENT KUHL: Senator
10 Paterson, you have the floor.

11 SENATOR PATERSON: I'd like to
12 answer the question again so that I can just
13 make this very clear. I have not attacked the
14 Governor for using the state plane or any of the
15 state cars or the meals or anything like that.
16 I don't have a problem with with it. I think
17 that he should use them, but what I said earlier
18 was not that he shouldn't. What I said was that
19 the prevalence of that type of conduct can often
20 lead individuals to not understanding the
21 difference between the social strata that they
22 may be in and that of individuals who are not as
23 fortunate -- individuals who are not on a social

1 service program, individuals who are working.
2 They have jobs; they work here, and I'm sure
3 Senator DiCarlo will agree with me that they
4 deserve to be paid.

5 Now, rather than reciting a
6 mantra about whose fault it is that the budget
7 hasn't reached a conclusion, what I would
8 suggest -- and this is why, Senator DiCarlo,
9 Senator Waldon got up and asked me why did I say
10 "we", because I did not absolve myself from
11 responsibility, even though I haven't made the
12 decision.

13 I would pay my staff, and I sure
14 would pay myself, but the point that I'm trying
15 to make to you, Senator DiCarlo, is that where
16 have we gotten as legislators when it is our
17 real charge to speak for our constituency when
18 we can't understand why our constituency -- for
19 the most part, people who are not making
20 \$104,000 a year or \$92,000 a year as some of the
21 Governor's paid unit heads are -- when we can
22 not understand why individuals who make \$9,000 a
23 session, \$22,000 annually, would object to

1 getting 70 percent of their salary this
2 Wednesday and, if we don't pass the budget by
3 May 3rd, they won't get anything.

4 I'm saying what kind of example
5 have we set for them, engaging in this social
6 diatribe about whose fault it is that the budget
7 didn't pass. That's just the adversarial
8 system. We are going to blame you; you're going
9 to blame us, that's fine as long as we keep it
10 between ourselves, but this reminds me of the
11 school bully threatening to beat up your little
12 sister because you don't want to do what he
13 wants you to do, and what I'm saying is it has
14 no place in the budget discussion and so, while
15 I don't have any -- I don't see any hypocrisy in
16 the Governor using a state plane or anyone in
17 leadership using those items that were
18 designated for their use, I'm saying that the
19 proliferation of that use can often lead us all
20 almost spiritually into looking at life through
21 a different prism, if you would, looking at life
22 such that we have forgotten exactly what it was
23 we were sent here for.

1 Government's credo is to
2 represent people and to understand people, and
3 I'm saying that we can debate what to do with
4 people who don't have jobs in this budget
5 process, but these people did have jobs but
6 somebody decided that their jobs were expendable
7 for a couple of weeks to try to make a political
8 point, mixing apples and oranges and, in my
9 opinion, adding disingenuous to a process that
10 we would like our citizenry to think of in the
11 highest of value.

12 ACTING PRESIDENT KUHL: Senator
13 DiCarlo.

14 SENATOR DiCARLO: Well, just a
15 quick follow-up question and comment.

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

18 SENATOR DiCARLO: Senator, I just
19 want to assure you -

20 ACTING PRESIDENT KUHL: Senator
21 yields.

22 SENATOR DiCARLO: -- that I have
23 the highest regard for you, and my question was

1 not pointed at you but you as the representative
2 leadership on the floor on that side. That's
3 why the question was directed, and I thank you
4 for your very honest answer, as always.

5 ACTING PRESIDENT KUHL: Senator
6 Paterson, you still have the floor. The Chair
7 would simply make a notation that this debate
8 began at 3:30. There are four people still
9 wishing to speak and so, my colleagues, can we
10 keep that in mind as we progress with the
11 debate.

12 Senator Paterson.

13 SENATOR PATERSON: Mr. President,
14 I want to thank Senator DiCarlo for clearing
15 that up for me and, as long as he will allow me
16 to ride home in my car, then I guess I'll
17 conclude my comments for this afternoon.

18 ACTING PRESIDENT KUHL: Chair
19 recognizes Senator Leichter.

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

22 Senator Velella isn't here and I
23 want to warn him that he thought he was being

1 given a compliment by Senator Paterson that he
2 might well use in advertisement. You remember
3 Senator Paterson said if he were to find himself
4 being in the unfortunate position of being
5 wheeled in for lethal injection, he would like
6 to have Senator Velella there.

7 I think his point was that he
8 knows that Senator Velella would miss his arm,
9 just as the point of Senator Velella's argument
10 really missed the point of what this debate is
11 about.

12 I'd also say to Senator Velella
13 that, when Senator Paterson said "in your heart
14 you know I'm right" he really meant "in your
15 pocketbook you know I'm right." But I think
16 we're -- the debate, since we seem to be looking
17 at all of the bills before us as one, is really
18 two separate issues.

19 One is, we started discussing why
20 we have a budget and why we don't have a budget,
21 and I think that's maybe not a particularly
22 productive exercise, but it's an understandable
23 exercise. The other one is really the issue of

1 when we do not have a budget, should staff and
2 legislators and the Governor and other statewide
3 officials not get paid?

4 I just want to address the first
5 issue, because I was quite taken by what Senator
6 DeFrancisco said, and I want to say, Senator, in
7 principle I agree with you. I think it would be
8 useful if the Assembly had a bill -- a budget
9 bill out there, and we -- we could address
10 that. But let's, in all fairness, consider why
11 that is not out there.

12 One of the reasons that it's not
13 out there is not just, as Senator DiCarlo said,
14 because the Speaker doesn't have the votes to
15 get it passed. One of the problems that we've
16 created, and here I say "we," I mean Democrats
17 and Republicans, we have more than politicized
18 the issue, and obviously budgets are political
19 issues, but we've been part of what unfortunate
20 ly is a debasing of democracy where any position
21 becomes a focus of such mean attacks, and I'm
22 thinking of the fact that the Republicans are
23 now gloating, as I read today in the paper, that

1 they're going to spend \$4 million to show that
2 the Democrats in the Assembly are unwilling to
3 deal with social service expenditures and, as I
4 read about those advertisements, they were such
5 gross misunder... misleading statements. They
6 were lies! They were lies!

7 How can we have any sort of
8 debate on very tough issues which we as a
9 nation, and certainly we as a state have to
10 address, which is the social service expendi
11 tures, a lot of the other things, what are we
12 doing to higher education, and so on, when any
13 time anybody takes a position, it becomes so
14 twisted and just becomes more fodder for
15 political cannons?

16 I think we're all part of it, and
17 I think we see it on the national level. We see
18 the negativism which makes it so difficult ever
19 to have any sort of intelligent debate, and I
20 think that's probably one of the reasons that
21 the Assembly has not put forward a bill.

22 I think a second exception I
23 would take from the agreement in principle that

1 I have with Senator DeFrancisco is that the
2 conference system, while it exists in principle
3 -- and I think it's a significant step forward
4 that we've committed or that Majority Leader
5 Bruno committed himself to that, but we know it
6 really isn't functioning, and we did have this
7 one exercise in connection with the 65 miles an
8 hour speed limit; but I must say with some
9 disappointment that some members went to that
10 conference and said, Well, this is a waste of
11 time, and I think the Majority Leader who was
12 there afterward said, Well, it's a lot of
13 words.

14 Well, you know, that's -- that's
15 what debates generally involve is words. So I'm
16 not so sure that there's a true, honest commit
17 ment on both sides, Majority in the Assembly,
18 Majority in the Senate, that if the Assembly
19 passed a bill that we would truly have a
20 conference committee. If we did, then I think
21 it would be a healthy matter for the Assembly to
22 put a bill out.

23 ACTING PRESIDENT KUHL: Senator

1 Skelos, why do you rise?

2 SENATOR SKELOS: Would Senator
3 Leichter yield to a question?

4 SENATOR LEICHTER: Certainly.

5 ACTING PRESIDENT KUHL: Senator
6 Leichter, do you yield? The Senator yields.

7 SENATOR SKELOS: Senator
8 Leichter, do you feel that because perhaps a
9 joint conference committee may not be called,
10 hypothetically that that's enough reason for the
11 Assembly not to pass a budget and try to move
12 forward to a conference committee? I mean you
13 were one of the strong proponents of a
14 conference committee.

15 You know, there may have been
16 some rough grounds with determining whether New
17 York State, in certain areas, should go to 65
18 miles an hour, but the words, the differences
19 were worked out. They were ironed out the first
20 time it went to conference committee, and there
21 will be a proposal to both houses of the
22 Legislature on a bi-partisan basis, in certain
23 areas of the state to go to 65 miles an hour.

1 Why can't we do it with the
2 budget? We have reasonable people. We have an
3 excellent Finance Committee chairman in Ron
4 Stafford. Assembly Ways and Means, your side of
5 the aisle, has some very, very bright
6 legislators, Senator Galiber. We could have a
7 wonderful conference committee and resolve the
8 differences.

9 But you need a budget from
10 Speaker Silver. Pass the budget! Don't just
11 amend bills and let them sit there. Pass a
12 budget, and let's go to conference committee and
13 have a budget for the people of the state of New
14 York.

15 SENATOR LEICHTER: Senator -
16 Senator Skelos, if you're saying that you
17 foresee, and that you're in a position to
18 represent on behalf of the Majority here, that
19 there would be an actual honest conference
20 committee that would really involve those
21 members who are part of the conference committee
22 in making decisions as to what sort of a budget,
23 I would like to see that process. I've stood

1 for it all these many years, and that's why I
2 got up and wanted to make the point that in
3 principle, I happen to agree with Senator
4 DeFrancisco.

5 SENATOR SKELOS: Senator
6 Leichter, you can't -

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

9 SENATOR SKELOS: I'm sorry, Mr.
10 President.

11 ACTING PRESIDENT KUHL: Senator
12 yields.

13 SENATOR SKELOS: Senator
14 Leichter, you can't even get to that position of
15 the leaders making a determination as to whether
16 a conference committee could work in resolving
17 the budget differences unless the Assembly
18 passes a budget. So you can't move the process
19 forward. We've tried to move the process
20 forward by voting on a budget, by putting out
21 our bills, as I said to Senator Gold, by you and
22 Senator Dollinger offering up amendments to the
23 budgets, to our proposals, make changes that you

1 thought were appropriate.

2 Now it's up to the Assembly to do
3 the same thing. Put out your document. Put out
4 what budget you would like to see passed for the
5 people of the state of New York. Let the
6 Assembly Minority offer their amendments and
7 then we can move forward.

8 ACTING PRESIDENT KUHL: Senator
9 Leichter.

10 SENATOR LEICHTER: Senator, in
11 principle, I have no disagreement with you, but
12 I'd like to add -- I'd like you to add one other
13 thing to that, and I think you could at the same
14 time ask that that same sort of addition or
15 representation that I would ask of you be made
16 of the Assembly, that we can try to have this
17 debate without people licking their chops and
18 saying, All right, that's great. Boy, they've
19 given me a wonderful campaign issue, and then
20 going out and misrepresenting positions, as the
21 Republicans seem to be doing. I don't mean you
22 or anybody in this house necessarily, but if
23 what is true of what I read about the ads, it's

1 a total misrepresentation. The system can't
2 function if, every time somebody takes a
3 position, there's going to be that degree of
4 misrepresentation, that degree of attack dog
5 like commercials.

6 Senator, we may have differences
7 and those differences are fair to bring to the
8 people, but I think to misrepresent the position
9 of the Assembly on welfare, as I believe the
10 Republican ad -- advertisements are doing, and
11 the way they're being pictured, Senator, that's
12 wrong.

13 So to make the process work,
14 there's got to be better faith. There's got to
15 be a willingness of people to debate the issues
16 and not to politicize it to the extent where you
17 can't have any -- any debate.

18 ACTING PRESIDENT KUHL: Senator
19 Skelos, why do you rise?

20 SENATOR SKELOS: Will Senator
21 Leichter yield?

22 ACTING PRESIDENT KUHL: Senator
23 Leichter, do you yield to Senator Skelos?

1 SENATOR LEICHTER: Yes, Mr.
2 President.

3 ACTING PRESIDENT KUHL: Senator
4 yields.

5 SENATOR SKELOS: Senator
6 Leichter, politics is a tough business and
7 perhaps sometimes people's skin is a little
8 thinner than others, and you can't take the
9 criticism. But the bottom line is, the
10 criticism goes to the basic fact that Speaker
11 Silver and the Assembly Democrats have not
12 passed a budget. If they had passed a budget,
13 laid their cards on the table like -- like we
14 did -- we bared ourselves. We said, This is our
15 budget proposal. We've had the courage in the
16 Senate Majority to take a difficult vote -- to
17 take a difficult vote. But the bottom line is
18 the people of the state of New York are
19 supporting the approach of Governor Pataki, the
20 Senate Majority, to cut taxes, to cut spending,
21 to create jobs, to go to Workfare rather than
22 welfare, and to turn around this state once
23 again.

1 That's the direction that the
2 people want to see this state move, but we can't
3 even take that first small step unless Speaker
4 Silver and the Assembly Majority passes a
5 budget, can't take that small first step unless
6 they pass a budget and have the courage to do
7 what we've done in this body and move the
8 process forward.

9 SENATOR LEICHTER: Senator, I did
10 not hear you make that representation. Now, if
11 you want to go out in an advertisement and say
12 the Assembly didn't pass a budget, that's fine,
13 but some of the ads are totally false. When
14 you're putting out ads saying that Republicans
15 -- that Democratic members of the Assembly from
16 upstate are knuckling under to liberal bosses in
17 New York City, that they want to increase
18 spending on welfare when, in fact, their
19 proposal calls for a decrease in welfare, that
20 is wrong. Make the representation, make the
21 representation that you're not going to engage
22 in that degree of misrepresentation, and if you
23 do that, then I think we've got a better chance

1 of doing what I think ought to be done, which is
2 if there's a disagreement between the two
3 houses, let them each pass their budget.

4 Let me just say one other thing
5 because I think some of the -- some of the
6 people on this side of the aisle and including
7 you, Senator, may be believing there's all this
8 chest beating. We were so brave, we were so
9 courageous; we passed a budget. Well, I don't
10 know about courageous. I saw a Capital budget
11 that some of us criticized and you said, No, no,
12 we're biting the bullet. Next day or a couple
13 days later, we get this, I forget what was it
14 called, Joe Bruno's full employment or economic
15 recovery package -

16 SENATOR SKELOS: Economic
17 development.

18 SENATOR LEICHTER: -- and here
19 these brave people, these people who are going
20 to tighten their belts, and we're not going to
21 have the sort of programs that we had in the
22 past, lo and behold, all of these things come
23 back, and suddenly this balanced budget isn't

1 balanced any more, so in all -- in all fairness,
2 Senator, you ought to admit that what you did
3 was hardly giving the people of this state that
4 balanced budget and the one that shows that
5 we're really going to cut down government
6 programs.

7 SENATOR SKELOS: Mr. President.

8 ACTING PRESIDENT KUHL: Senator
9 Skelos.

10 SENATOR SKELOS: If Senator
11 Leichter would yield.

12 ACTING PRESIDENT KUHL: Senator
13 Leichter, do you yield? He does.

14 SENATOR SKELOS: Mr. President,
15 if I might comment on that, and at least the
16 members in this house, and you, had the
17 opportunity as a member of the Minority to vote
18 on our proposals. I'd love to see my Republican
19 colleagues in the Assembly have the opportunity
20 to vote on a budget that's proposed by the
21 Speaker, to offer up the amendments that they
22 think are appropriate, rather than the Speaker
23 sheltering his members from any possible

1 criticism that they may have in a non-budget.

2 You have capital projects. They
3 offer up amendments, and they don't pass it.
4 Why? They should have the courage of passing a
5 budget and moving the process forward. They
6 just don't have the courage to do it because
7 they know the people of the state of New York
8 last November 8th, when they sent Mario Cuomo a
9 packin', sent the message, they wanted change.
10 We're prepared to give them that change and
11 unfortunately, Speaker Silver still wants status
12 quo.

13 SENATOR LEICHTER: Senator, I
14 think the election last year, maybe that's one
15 of the reasons that we're having so much of a
16 problem in passing a budget, there was one
17 mandate and that mandate was that Mario Cuomo
18 having served 12 years should not serve another
19 four years. Governor Pataki started to read
20 that message in a far different way, as you
21 apparently are doing, and he put out a -- and he
22 put out a budget that was highly unpopular.

23 SENATOR SKELOS: Senator

1 Leichter.

2 SENATOR LEICHTER: May I just
3 finish?

4 SENATOR SKELOS: I'm sorry.

5 SENATOR LEICHTER: That was
6 extremely unpopular. He has a popularity rating
7 that is so low, unheard of, unheard of for a new
8 governor, because the fact of the matter is that
9 during the campaign, he never put forward any
10 specifics. You would ask him, Wait a second,
11 how are you going to have a 25 percent tax cut?
12 Where is the money going to come from? And all
13 he'd ever say was, "I'm going to get rid of the
14 energy department." The energy department, I
15 think, has six employees, hardly the \$6 billion
16 that that tax cut is going to cost.

17 When people saw what his budget
18 was, they saw the cuts to Medicaid, they saw
19 that he was cutting support for higher
20 education, increasing tuition, all of the other
21 horrors that I see and other people saw in the
22 budget. People said, We didn't vote for that.
23 That isn't what you told us you were going to

1 do.

2 But that -- that's a substantive
3 debate on the budget. We were talking process.

4 SENATOR SKELOS: Were those in TV
5 ads also?

6 SENATOR LEICHTER: Pardon me?

7 SENATOR SKELOS: Were those in TV
8 ads also?

9 SENATOR LEICHTER: Those were -
10 those were in the teeth. But let me say again,
11 make that representation, representation that we
12 will not misrepresent, we will not lie about the
13 position of the Assembly, and I think you're
14 going to have a much better chance of doing what
15 I think ought to be done. There I don't -- I
16 don't disagree with you. I think it would be
17 healthy if we had the Assembly pass a budget,
18 and while it's true -- and I got up and said
19 that without prompting, Senator -- and while
20 it's true that I'm quite critical of your budget
21 and I don't think it's balanced, but you've put
22 out a document and if we could have a true
23 conference committee, you're willing to

1 represent that at least, maybe it would move the
2 process along.

3 I -- I've no difficulty with
4 that. I think maybe some people on this side of
5 the aisle may not agree with me, and obviously
6 I'm not talking for the Minority here, but I
7 think -- I think it would be healthy, but I
8 think it's really crucial that we stop the sort
9 of political attacks, and here I'm not just
10 saying the Republicans, the Democrats too,
11 because how can you ever debate anything when
12 positions become so twisted, become so
13 misrepresented that any -- that anybody is
14 afraid of taking any position?

15 SENATOR SKELOS: Mr. President,
16 would Senator Leichter yield?

17 ACTING PRESIDENT KUHL: Senator
18 Leichter, do you yield to Senator Skelos?
19 Senator yields.

20 SENATOR SKELOS: Senator
21 Leichter, we are having, I think, a very
22 productive debate, and certainly when we put
23 forth our budget, we had a very productive

1 debate. Unfortunately, it appears that the
2 Speaker and the Assembly Democrat Majority is
3 too busy watching TV to see if there are ads on
4 TV, rather than having that budget debate with
5 the Assembly Republican Minority just like we
6 had our debate. So stop watching TV, don't
7 worry about TV. There'll be reruns in the '96
8 election, I'm sure, but don't worry about TV.
9 Start debating a budget. That's what the people
10 want. They don't want to hear that Speaker
11 Silver or some Assemblyman doesn't like an ad
12 that's on TV. It's too bad if you don't like
13 it. Debate the budget. That's what you should
14 be doing, in your chambers. Debate your
15 budget.

16 SENATOR LEICHTER: Senator, I
17 hope that you're not saying it doesn't matter
18 the degree to which you misrepresent
19 positions, the degree to which you're
20 actually -

21 SENATOR SKELOS: That's what
22 you're saying.

23 SENATOR LEICHTER: Let me finish.

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ACTING PRESIDENT KUHL:

Gentlemen, if I could, just through the Chair,
Senator Leichter, you have the floor.

SENATOR LEICHTER: Yeah. I -- I
think what you're saying is it doesn't matter
what's on TV, it doesn't matter how we misrepre
sent positions, doesn't pay any attention to
that, and so on, and I am -

SENATOR SKELOS: You're
characterizing me now, and what you're saying -

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

SENATOR SKELOS: I'm asking -

ACTING PRESIDENT KUHL: It's
important, and I emphasize that.

SENATOR LEICHTER: Let me answer
one question before I yield to the next one.
I'm just suggesting to you that would be
helpful. I'm not speaking on behalf of the
Assembly Majority; I haven't talked to the
Speaker. I don't know what is prompting him,
but I know that I am disturbed about the

1 inability of us to have a productive,
2 deliberative discussion on what are some very
3 tough issues if we're going to get that sort of
4 lip smacking "I've got 'em now, I can
5 misrepresent their position," as the Republican
6 State Committee seems to be doing.

7 I read the comments of Mr. Powers
8 and I think it makes it extremely difficult with
9 that sort of an approach for us here in the
10 Legislature to do what I think you and I
11 genuinely want, which is let both houses pass a
12 budget. If there's a disagreement, let's go to
13 an honest productive conference committee and
14 see if that will work. I'd like to see that.

15 ACTING PRESIDENT KUHL: Senator
16 Skelos.

17 SENATOR SKELOS: I want to thank
18 Senator Leichter for coming to our side now. Do
19 you want the Assembly -

20 ACTING PRESIDENT KUHL: Senator
21 Skelos, are you asking Senator Leichter -

22 SENATOR SKELOS: Well, it may end
23 up with a question.

1 ACTING PRESIDENT KUHL: Well,
2 Senator Skelos, Senator Leichter has the floor.

3 SENATOR LEICHTER: I will yield
4 for a comment or a question.

5 SENATOR SKELOS: Senator Leichter,
6 based upon the fact that you now congratulated
7 us for passing a budget, for at least having the
8 courage to do this and for you having the
9 opportunity to debate us, the fact that we paid
10 compliments on the fact that we've passed it
11 during the light of day, that it hasn't been in
12 the middle of the night, that it's been an open
13 process because all five leaders now, the four
14 leaders and the Governor, participate in the
15 leadership negotiations, my suggestion to you
16 now is, since you are very happy with what's
17 happened in this house, you may disagree with
18 the final document, that you go to the Assembly,
19 you are a senior respected member of the Senate,
20 of the Legislature, that you and perhaps Senator
21 Dollinger, former member of the Assembly, as
22 there are now 17 of us on this side of the
23 aisle, that you go and talk to some of your

1 former colleagues and say, Pass a budget. Have
2 the courage to pass a budget, take the heat that
3 may be there from the Assembly Minority, but
4 have the courage.

5 Would you do that for me, Senator
6 Leichter, please?

7 SENATOR LEICHTER: Senator -
8 Senator Skelos, as my dear friend, Senator
9 Stavisky, said, tell him that you left the
10 Assembly.

11 But, Senator, it would be a lot
12 easier for me, if I could go there and say that
13 a very senior respected member of the Majority
14 in the Senate, holding a leadership position,
15 had said he disagrees with these misleading ad
16 vertisements, that he abhors some of the things
17 that are being said, and to make the process
18 work, he's going to use his best efforts to see
19 that we don't have the sort of lies that are
20 being put out now on television. And I think if
21 you did that, Senator, it would help.

22 Also, let me say that while I
23 have certain agreement in principle with you and

1 Senator DeFrancisco, I think it's hardly fair to
2 say that I've been praising you, and I'm jumping
3 here with joy, and that I'm -- and I'm looking
4 with amazement at the courage that -- that you
5 have shown, but I'd love to see the process move
6 forward.

7 SENATOR SKELOS: Thank you.

8 SENATOR LEICHTER: Good. Thank
9 you, Senator Skelos.

10 But let me -- let me just talk
11 about something I really feel strongly.

12 ACTING PRESIDENT KUHL: Senator
13 Leichter, let me just -- let me just interrupt
14 for a moment here. I would note that the debate
15 started at 3:30. There are still three people
16 who have indicated a desire, but more
17 importantly, three times at least during your
18 discussion with Senator Skelos, the stenographer
19 in the chamber threw her hands in the air
20 indicating to me that she could not take down
21 what was meant to be a historical debate in this
22 chamber, so I would just remind the members
23 there is another purpose for going through the

1 Chair and for showing respect, and that is so
2 that we can get every word that each one of you
3 says down on record; so if you could continue to
4 recognize the tradition of this chamber, I would
5 appreciate it, and I know the stenographer would
6 appreciate it, and all of the historians in this
7 state who are looking to review these records at
8 a future time, I know, would appreciate it.

9 SENATOR SKELOS: Point of
10 information.

11 ACTING PRESIDENT KUHL: Yes,
12 Senator Skelos.

13 SENATOR SKELOS: Would you like
14 us to repeat the debate?

15 ACTING PRESIDENT KUHL: The
16 stenographer is indicating that's not
17 necessary.

18 SENATOR SKELOS: Let me just say,
19 and I'm not going to speak for Senator Leichter,
20 but on a bi-partisan basis, I know that I am
21 properly admonished as to the proper procedure
22 in debating a bill.

23 ACTING PRESIDENT KUHL: Senator

1 Leichter, the floor is yours to continue.

2 SENATOR LEICHTER: Mr. President,
3 I agree with everything you've said, and I will
4 be very brief. I did have difficulty with one
5 word you used when you said "meant to be a
6 historical debate." I don't know whether it was
7 necessary to use the word "meant".

8 I do want to -

9 ACTING PRESIDENT KUHL: Senator
10 DeFrancisco, why do you rise?

11 SENATOR DeFRANCISCO: Would
12 Senator Leichter yield to a question?

13 ACTING PRESIDENT KUHL: Senator
14 Leichter, do you yield to a question?

15 SENATOR LEICHTER: I will,
16 Senator, but I -- sure.

17 SENATOR DeFRANCISCO: All right.
18 Very quick.

19 ACTING PRESIDENT KUHL: Senator
20 yields.

21 SENATOR DeFRANCISCO: Do you
22 recall ever on March 31st, the day before the
23 budget was passed, anyone in this house voting

1 to increase SUNY tuition by \$1800 or close SUNY
2 campuses?

3 SENATOR LEICHTER: Yeah, I think
4 that the vote was -- the votes that you have
5 cast are going to result in a significant
6 increase in tuition at SUNY, CUNY, probably in
7 excess of a thousand dollars, and will probably
8 lead to the closing of campuses.

9 ACTING PRESIDENT KUHL: Senator
10 DeFrancisco.

11 SENATOR DeFRANCISCO: Would you
12 yield to another question?

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

15 SENATOR DeFRANCISCO: Do you
16 recall anyone on the Senate floor voting to
17 increase SUNY -- SUNY tuition \$1800 a year and
18 to close SUNY campuses?

19 SENATOR LEICHTER: You just asked
20 that question and I thought I just answered it.

21 SENATOR DeFRANCISCO: You didn't
22 answer it. You said over a thousand dollars.
23 Did you say did we vote a specific increase of

1 \$1800?

2 SENATOR LEICHTER: Senator, you
3 and I know how tuition increases are imposed.
4 They're never voted by the Legislature. They
5 are the natural result of the funding that we
6 provide for SUNY and CUNY.

7 SENATOR DeFRANCISCO: Senator
8 yield? Senator Leichter yield to one last
9 question?

10 ACTING PRESIDENT KUHL: Senator
11 Leichter yield to one last question? Senator
12 yields.

13 SENATOR DeFRANCISCO: You think
14 it would be misleading in advertising to send a
15 brochure or hang a leaflet that said that
16 Senator Present, Senator DeFrancisco voted on
17 March 31st to raise SUNY tuition \$1800 and to
18 close SUNY campuses?

19 SENATOR LEICHTER: Senator, I
20 think I answered it and let me also say,
21 Senator, and I made that very clear when I was
22 answering Senator Skelos, that I believe that
23 both sides, the Democrats, Republicans, have

1 tended to politicize the process to such a
2 degree with very negative advertisement, and I
3 don't mean just here in our budget debate, but I
4 think generally.

5 Would I send out something of
6 that sort? I would -- I would word it much, much
7 more carefully, and I think more -- more
8 precisely, but I think it's fair to say that the
9 result of the vote that was cast here, if that
10 becomes law, if that becomes the budget, it will
11 mean a significant increase of over a thousand
12 dollars in tuition and, as the chancellor said,
13 he's going to have to close some campuses.

14 But let me -- let me address, and
15 I want to do it quickly, I guess one of the
16 reasons, Mr. President, that the debate is going
17 on, as I pointed out, we're really debating four
18 bills at once and the bill that I really wanted
19 to address, and I'll try to do it quickly,
20 because I think it's terribly important, this is
21 the bill that provides for the wages of state
22 employees for many members of the executive
23 branch, but says that legislators and their

1 staff will not be paid, and what we're engaged
2 in is, we're doing this and I tried to make that
3 point last time, because really what this is,
4 it's a debasing of democracy, and I quoted
5 Representative Hyde last time when he said, "I
6 don't want to be part of the dumbing down of
7 democracy," and that's really what we're doing.

8 This is the worst sort of
9 pandering, the idea that in some way legislators
10 and their staff are not entitled to be paid
11 because they have an honest disagreement. I've
12 seen people here working. Now, Senator Velella,
13 you -- I don't know whether you were enthusias
14 tically defending the bill which included
15 legislators and their staff but I've seen you
16 here, I know you're working. I think you're
17 entitled to be paid. Maybe you don't think
18 you're entitled to be paid, but I think you've
19 worked, and I think the members of the Assembly,
20 they've been here, they were here last week
21 until late on Thursday, I think they're entitled
22 to be paid.

23 The idea that somehow or other

1 you're going to coerce legislators into voting
2 for a budget by not paying them is appalling.
3 This is so contrary to what our democracy and
4 our exchange of ideas is based on.

5 ACTING PRESIDENT KUHL: Senator
6 Velella, why do you rise?

7 SENATOR VELELLA: Senator
8 Leichter yield?

9 ACTING PRESIDENT KUHL: Senator
10 Leichter, do you yield to Senator Velella?

11 SENATOR VELELLA: I have just one
12 more question. If you just think back over the
13 history of your working here in Albany, can you
14 tell me, Senator, in a very short direct way
15 when was the first time that you heard the
16 concept of legislators not being paid if there
17 was a budget that wasn't in place and who was
18 the person that first proposed it? Could you
19 just give me the name, if you know?

20 SENATOR LEICHTER: You're
21 absolutely right. It was Mario Cuomo and it
22 was -

23 SENATOR VELELLA: Thank you,

1 Senator. That's adequate.

2 SENATOR LEICHTER: And as we
3 know, Mario Cuomo was not above putting forth
4 ideas that I can only say are pandering and, in
5 fact, when he first made that idea -- when he
6 first made that idea, I was sitting next to
7 Senator Skelos and Senator Skelos muttered, "Is
8 he willing to give up his honorariums during
9 that time?" And the point is, though, that
10 Mario Cuomo was smart enough not to carry
11 through on something that was a bad idea.
12 George Pataki apparently doesn't have that same
13 sort of intelligence, and the result is that we
14 now -- that we now find ourselves where our
15 staff -- our staff, they're working hard, has no
16 responsibility for there not being a budget and
17 they're not being paid.

18 SENATOR VELELLA: Will you yield
19 to one more short question?

20 ACTING PRESIDENT KUHL: Senator
21 Velella, why do you rise?

22 SENATOR VELELLA: Senator
23 Leichter yield to one last short question?

1 ACTING PRESIDENT KUHL: Senator
2 Leichter, do you yield to one more question?

3 SENATOR VELELLA: Senator, if you
4 said rather than the lack of intelligence it was
5 the ability of one particular governor to
6 accomplish his goals as opposed to the ability
7 of the other governor to accomplish a goal which
8 you may disagree with.

9 SENATOR LEICHTER: Senator, I
10 think you're absolutely right. Mario Cuomo
11 realized he could never accomplish his goal by
12 carrying through on something that he had thrown
13 out which may have curried some political favor
14 at that time with the voters, but which he knew
15 was a lousy idea, so you're right, he did
16 achieve his goals, but George Pataki is not
17 achieving his goals because, as I pointed out
18 last time, this makes it more difficult to pass
19 a budget. You pass a budget, you go back in
20 your district and people in your district aren't
21 going to like the budget. They're going to say
22 "Ah, you voted for it because you weren't being
23 paid."

1 That's the whole basis of this
2 idea. Don't pay them, and force them in that
3 way to pass a budget. That's not how we're
4 supposed to represent our people. We're not
5 supposed to do it on the basis of dangling
6 money, our paychecks, before us.

7 ACTING PRESIDENT KUHL: Senator
8 Skelos, why do you rise?

9 SENATOR SKELOS: I'd like Senator
10 Leichter to yield for a short itsy-bitsy
11 question.

12 SENATOR LEICHTER: Only if it
13 leads to a debate that the president is going to
14 say "was historical" instead of "meant to be
15 historical".

16 ACTING PRESIDENT KUHL: The Chair
17 is not in a position to rule on that at this
18 moment, Senator Leichter, but Senator Leichter
19 yields, Senator Skelos.

20 SENATOR SKELOS: Senator
21 Leichter, you mentioned pressure. You've used
22 the word "coercion". Recently I read in the
23 paper, since you're receiving a lot of your in

1 formation from the newspapers, that certain
2 chairman of major committees within the Assembly
3 have refused to meet with people from The
4 Business Council, leaders in industry, whether
5 it's banks, insurance, small businesses, large
6 businesses, because they didn't like the fact
7 that they were exercising their First Amendment
8 right, which I know you're a strong supporter of
9 the First Amendment.

10 Now, these are the Assembly
11 Democrats, some of them liberal, that are
12 exercising, believe in the First Amendment and
13 they are now refusing to meet with members of
14 industry, Business Council people, people that
15 create jobs in the state of New York, because
16 they disagree with the fact that they suggested
17 the Assembly should pass and are supporting the
18 proposition that the Assembly should pass
19 Governor Pataki's budget.

20 Now, do you think that's a bit
21 coercive, that they -- that the chairman of
22 committees in the Assembly refuse to meet with
23 people because they don't like the fact that

1 they're exercising their First Amendment rights?

2 SENATOR LEICHTER: Senator, I
3 don't know why they're not meeting with them,
4 and I know some of the circumstances that people
5 have met with them to let them know that there's
6 a nice event going on, and that they hope
7 they're there and if they're not doing it for
8 that purpose, maybe that's all for the good.

9 I don't know, frankly, what that
10 has to do -- I think the president is going to
11 rule that this is not -- this is not going to
12 lead to a historical debate.

13 But I think that the message has
14 to go out, it seems to me, to Governor Pataki
15 that this is just the wrong way to proceed and
16 not to pay the staff is unconscionable. It's
17 wrong; it's probably unconstitutional. It makes
18 us, to my mind, lawbreakers, and if some people
19 on your side of the aisle or on this side of the
20 aisle feel that this is the way to go, I suggest
21 that it just is more pandering. We're debasing
22 democracy when we do this.

23 So I would -- I would urge very

1 much that we have a good honest productive
2 debate on the budget, that we pass a budget, but
3 that we don't use these coercive measures, and
4 I'm just reminded in the Middle Ages when the
5 Popes were chosen, as you know, and they still
6 are today, by a Cardinals' meeting in a walled
7 in enclosure, and sometimes when they were a
8 little slow, they wouldn't get fed, and the
9 result was that maybe you had some Popes chosen
10 who weren't particularly great Popes. You also
11 had some emaciated Cardinals.

12 It's not the way -- it's not the
13 way to create a consensus that's going to serve
14 the public, and I think all of us who said this
15 is what we ought to do, we've just been really
16 part of pandering, and if I go back to my
17 district, you go back to your district, I
18 imagine the public initially is going to say,
19 Oh, that's right, you didn't pass a budget. You
20 don't deserve to get paid.

21 But I'll tell you this, if you
22 put the proposition to them that you want me to
23 vote for a budget that you don't agree with,

1 because you want me to get paid and obviously
2 the answer is no. So if you look at the premise
3 under which the Legislature and its staff is
4 being excluded from pay, it's really appalling.
5 It lacks any sort of logic, and it's contrary,
6 as I said, I think, to the democratic aims and
7 goals and process that I hope we're all
8 committed to.

9 ACTING PRESIDENT KUHL: The chair
10 recognizes Senator Libous.

11 SENATOR LIBOUS: Pass.

12 ACTING PRESIDENT KUHL: Passes.

13 Senator Waldon? I don't see him in the
14 chamber. Senator Gold? Not in the chamber.

15 The Secretary will read the last
16 section.

17 SENATOR STAFFORD: Mr. President.

18 ACTING PRESIDENT KUHL: Chair
19 recognizes Senator Stafford.

20 SENATOR STAFFORD: I have -- will
21 be very brief, and I believe debate started at
22 3:30, so we're close.

23 I would only say to Senator

1 Leichter, I understand it had something to do
2 with the type of smoke that was eaten, I think
3 that was what really, the decision on the effect
4 that people ate that long ago and as you know,
5 when white smoke went up, it meant they had
6 chosen a Pope; I believe that's correct, isn't
7 it, John?

8 But on this bill, a serious
9 note, the reason we're here is that the Senate
10 and the Governor understand that we had a state
11 that was completely out of control, and some of
12 us who have been here a little longer have to
13 realize it was a lot easier when you could say
14 in your district especially, Don't blame me, I
15 wasn't there.

16 Well, up through the years that
17 gets to be rather difficult, but we did have to
18 make some changes, and we've heard Social
19 Services. That subject was raised. Again, I
20 emphasize, just emphasize, I'm not saying right
21 or wrong, it's just it shows that we have to
22 make some changes and, yes, I do think it was
23 right that we made the changes, but for

1 instance, California has over a million more
2 people in the social service programs than we do
3 and -- and that's all all over the state and all
4 over this state, their budget is less than ours
5 and we took 15 percent of the Medicaid money out
6 of Washington and we are 7-1/2 percent of the
7 people; that's just an example.

8 But unless we make these changes
9 in the budget and get the Assembly to sit down
10 and negotiate as was mentioned and have them
11 either pass a budget or pass ours, we're going
12 to just continue having the problems we've had
13 and the engine that keeps our locomotive going
14 is the economy and, if we were doing things to
15 the economy that was in effect killing it, then
16 we wouldn't have the funds to do anything in
17 this -- in this state, whether it's social
18 services or whether it's the infrastructure or
19 whether it's education or anything and, again,
20 that's why we're here. That's why we're
21 debating this bill.

22 We need to pass this bill but, as
23 has been mentioned here many, many times much

1 better than I can say it, we should be sitting
2 down and we should have the Assembly cooperating
3 with the Senate, with the Governor and getting a
4 budget that we all can live with, that we can
5 afford, so that we don't have this, in effect,
6 emaciation, whatever you want to call it,
7 killing of the economy, because that's exactly
8 where we were going.

9 So I ask that this bill have its
10 last section.

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

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT KUHL: Announce
19 the results.

20 THE SECRETARY: Ayes 54.

21 ACTING PRESIDENT KUHL: The bill
22 is passed.

23 Senator Skelos.

1 SENATOR SKELOS: Mr. President,
2 would you call up Calendar Number 435, Senate
3 4206.

4 ACTING PRESIDENT KUHL: Secretary
5 will call Senate Calendar Number 435.

6 THE SECRETARY: Calendar Number
7 435, Budget Bill, Senate Print Number 4206, an
8 act making an appropriation for the support of
9 government.

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

12 THE SECRETARY: Section 4. This
13 act shall take effect immediately.

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 54.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 Senator Skelos.

21 SENATOR SKELOS: Mr. President,
22 would you call Calendar Number 436, Senate 4207.

23 ACTING PRESIDENT KUHL: Secretary

1 will read Calendar Number 436.

2 THE SECRETARY: Calendar Number
3 436, Budget Bill, Senate Print 4207, an act
4 making an appropriation for the support of
5 government.

6 ACTING PRESIDENT KUHL: Chair
7 recognizes Senator Paterson.

8 SENATOR PATERSON: Mr. President,
9 this is the last chance to stop it.

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

12 (The Secretary called the roll.)

13 SENATOR DOLLINGER: Mr.
14 President, just on this bill ever so briefly.
15 We've had a lot of discussion about it. I was
16 -- I guess I refer to this as total political
17 warfare where we take the innocent and we try to
18 affect the innocent to somehow affect those who
19 may be guilty, and what I see here is sort of a
20 total political war against our staff and the
21 people who should be paid for what they're
22 working.

23 I regret the fact that we've

1 escalated to this form of total political
2 warfare which means that the innocent people who
3 work for us are going to be punished, are not
4 going to be able to pay their mortgages, not
5 going to be able to, in some cases, to buy
6 food. I know I've got at least one employee
7 with seven children who isn't going to be able
8 to pay his mortgage. He was in a tough
9 situation. He carries two houses. It's just
10 not a good idea.

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

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 54.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Senator Skelos.

22 SENATOR SKELOS: Mr. President,
23 would you please take up Calendar Number 437,

1 Senate 4208.

2 ACTING PRESIDENT KUHL: Secretary
3 will read Calendar Number 437.

4 THE SECRETARY: Calendar Number
5 437, Budget Bill, Senate Print 4208, an act to
6 provide for payments to vendors under the Women,
7 Infants and Children Program and making an
8 appropriation therefor.

9 ACTING PRESIDENT KUHL: Read the
10 last section.

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 54.

17 ACTING PRESIDENT KUHL: Chair
18 recognizes Senator Stavisky.

19 SENATOR STAVISKY: Mr. President,
20 without objection, I should like the record to
21 reflect that I wish to be recorded in opposition
22 to Calendar Number 276.

23 ACTING PRESIDENT KUHL: Without

1 objection, Senator Stavisky will be recorded in
2 the negative on Calendar Number 276.

3 Senator Skelos.

4 SENATOR SKELOS: I believe
5 Senator Montgomery wishes to be recognized.

6 ACTING PRESIDENT KUHL: Chair
7 recognizes Senator Montgomery.

8 SENATOR MONTGOMERY: Mr.
9 President, I would like unanimous consent to be
10 recorded in the negative on Calendar Number 175.

11 ACTING PRESIDENT KUHL: Without
12 objection, Senator Montgomery will be recorded
13 in the negative on Calendar Number 175.

14 Senator Skelos.

15 SENATOR SKELOS: Yes, Mr.
16 President. Could we return to reports of
17 standing committees. I believe there is a
18 Finance Committee report at the desk.

19 ACTING PRESIDENT KUHL: There is
20 a Finance Committee report at the desk. I'll
21 ask the Secretary to -

22 The Chair would recognize for the
23 record that Calendar Number 437 was passed.

1 Secretary will read the report of
2 the Finance Committee.

3 THE SECRETARY: Senator Stafford,
4 from the Committee on Finance, offers the
5 following nominations: Thomas J. Murphy, of
6 Latham, member of the Dormitory Authority, and
7 Anthony J. Colavita, Esq., of East Chester,
8 member of the New York State Bridge Authority.

9 ACTING PRESIDENT KUHL: The
10 question is on the nomination. All those in
11 favor, signify by saying aye.

12 (Response of "Aye.")

13 Opposed nay.

14 (There was no response.)

15 The nominees are confirmed.

16 Senator Skelos.

17 SENATOR SKELOS: Mr. President,
18 is there any housekeeping at the desk?

19 ACTING PRESIDENT KUHL: There is
20 several -- several things to be done at the
21 desk.

22 The Chair recognizes Senator
23 Seward.

1 SENATOR SEWARD: On page 28, on
2 behalf of Senator Levy, I offer the following
3 amendments to Calendar Number 79, Senate Print
4 Number 384-B, and ask that the said bill retain
5 its place on the Third Reading Calendar.

6 ACTING PRESIDENT KUHL:
7 Amendments are received and adopted. Bill will
8 retain its place on the Third Reading Calendar.

9 Senator Seward.

10 SENATOR SEWARD: Yes, on behalf
11 of Senator Johnson, I wish to call up his bill,
12 Print Number 2724, recalled from the Assembly
13 which is now at the desk.

14 ACTING PRESIDENT KUHL: Secretary
15 will read.

16 THE SECRETARY: Calendar Number
17 209, by Senator Johnson, Senate Print 2724, an
18 act to amend the Environmental Conservation Law,
19 in relation to limiting access to commercial
20 fisheries.

21 ACTING PRESIDENT KUHL: Senator
22 Seward.

23 SENATOR SEWARD: Mr. President, I

1 now move to reconsider the vote by which this
2 bill was passed.

3 ACTING PRESIDENT KUHL: Motion is
4 to reconsider the vote by which the bill
5 passed. Secretary will call the roll on
6 reconsideration.

7 (The Secretary called the roll on
8 reconsideration.)

9 ACTING PRESIDENT KUHL: Senator
10 Seward.

11 SENATOR SEWARD: Mr. President, I
12 now offer the following amendments to that bill.

13 ACTING PRESIDENT KUHL:
14 Amendments are received and adopted. Senator
15 Seward.

16 SENATOR SEWARD: And finally, Mr.
17 President, on behalf of Senator Lack, I move to
18 amend Senate Bill Number 2135-A by striking out
19 the amendments made on March 27th and restoring
20 it to its original Print Number 2135.

21 ACTING PRESIDENT KUHL:
22 Amendments are stricken and it's returned to its
23 original form.

1 Senator Nozzolio.

2 SENATOR NOZZOLIO: Mr. President,
3 on behalf of Senator Levy, please place a
4 sponsor's star on Calendar Number 407.

5 ACTING PRESIDENT KUHL: Calendar
6 Number 407 will be starred at the request of the
7 sponsor.

8 Senator Nozzolio.

9 SENATOR NOZZOLIO: Mr. President,
10 on behalf of Senator Libous, please place a
11 sponsor's star on Calendar Number 417, Senate
12 Bill Number 1848-A.

13 ACTING PRESIDENT KUHL: Calendar
14 Number 417 is starred at the request of the
15 sponsor.

16 Senator Skelos, we have one
17 substitution at the desk.

18 SENATOR SKELOS: Could we have
19 the substitution?

20 ACTING PRESIDENT KUHL: Secretary
21 will call it.

22 THE SECRETARY: On page 20,
23 Senator Goodman moves to discharge from the

1 Committee on Investigations, Taxation and
2 Government Operation, Assembly Bill Number 5542,
3 and substitute it for the identical Senate Bill
4 Number, Calendar 309.

5 ACTING PRESIDENT KUHL:
6 Substitution is ordered.

7 Senator Skelos.

8 SENATOR SKELOS: Mr. President,
9 there will be a conference of the Majority
10 tomorrow at 12:00 noon, and there being no
11 further business, I move we -- Senator
12 Stafford?

13 SENATOR STAFFORD: Thank you,
14 Senator Skelos.

15 I was just -- could I just please
16 state for the record that the nomination of
17 Thomas J. Murphy for the state Dormitory
18 Authority was moved by Senator Hoblock, and the
19 nomination of Senator Anthony Colavito was moved
20 by Senator Spano.

21 ACTING PRESIDENT KUHL: Thank
22 you, Senator Stafford. The record will reflect
23 such. Senator Skelos.

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SENATOR SKELOS: Yes, Mr.
President. I move we adjourn until Tuesday,
April 18th, at 1:00 p.m., sharp.

ACTING PRESIDENT KUHL: There
will be a Majority Conference in Room 332 to
morrow, April 18th, at 12 o'clock. Without
objection, the Senate stands adjourned until
tomorrow, April 18th, at 1:00 p.m.

(Whereupon at 5:35 p.m., the
Senate adjourned.)