ALBANY, NEW YORK

February 6, 1996

3:01 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. Would everyone please rise and join me in the Pledge of Allegiance.

(Whereupon, the Senate and those present joined in the Pledge of Allegiance to the Flag.)

May we bow our heads in a moment of silence.

(Whereupon, there was a moment of silence.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Monday, February 5th. The Senate met pursuant to adjournment. Prayer by the Reverend Father Peter G. Young, Blessed Sacrament Church, Bolton Landing. The Journal of Saturday, February 3rd, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Senator Skelos.

SENATOR SKELOS: Yes. Madam President, in consultation with Senator Paterson, we would make an observation that perhaps both sides of the Senate chamber are a little bit light and if we could encourage our members both Republicans and Democrats to come on over and join us in session, we would appreciate it.

THE PRESIDENT: Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Hannon, from the Committee on Health, reports the following bills:

Senate Print 413, by Senator Skelos, an act to amend the Public Health Law and the Correction Law, in relation to requiring certain applicants;

1504, by Senator LaValle, an act to amend the Public Health Law, in relation to

creating a tumor registry;

5395A, by Senator Velella, an act to amend the Public Health Law, in relation to testing of pregnant women for the human immunodeficiency virus.

THE PRESIDENT: Without objection.

THE SECRETARY: Senator Wright, from the Committee on Alcoholism and Drug Abuse, reports:

Senate Print 327, by Senator Levy, an act to amend the Vehicle and Traffic Law, in relation to requiring suspension and revocation;

355, by Senator Levy, an act in relation to requiring the Department of Motor Vehicles to compile information;

364, by Senator Levy, an act to amend the Vehicle and Traffic Law, in relation to imposing an additional fine and imprisonment;

371, by Senator Levy, an act to amend the Vehicle and Traffic Law, in relation to civil penalties;

380, by Senator Levy, an act to amend the Vehicle and Traffic Law, in relation to making it a felony to operate a school bus while under the influence of alcohol or drugs;

384D, by Senator Levy, an act to amend the Vehicle and Traffic Law, in relation to requiring school bus and other motor vehicle drivers involved in personal injury accidents.

Senator Levy, from the Committee on Transportation, reports the following:

619, by Senator Stafford, an act to amend the Highway Law, in relation to prohibiting the abandonment of Crane Pond Road;

4222, by Senator Larkin, an act to amend the Vehicle and Traffic Law, in relation to signs to be utilized;

5724, by Senator Libous, an act to amend the Vehicle and Traffic Law, in relation to parking permits;

5804, by Senator Bruno, an act to amend the Highway Law, in relation to designating a portion of the state highway system.

Senator Hoblock, from the Committee on Veterans and Military Affairs, reports:

Senate Print 1265, by Senator Hannon, an act to amend the Environmental Conservation Law, in relation to providing hunting and fishing licenses;

1739, by Senator Sears, an act to amend the Vehicle and Traffic Law, in relation to eliminating the annual service charge;

3407, by Senator Hoblock, an act to amend the Military Law, in relation to providing legal authority for obtaining background checks;

3555, by Senator Hoblock, an act to amend the State Finance Law, in relation to authorizing a preference for veterans;

3559A, by Senator Hoblock, an act to amend the Vehicle and Traffic Law, in relation to special distinctive license plates;

3659A, by Senator Hoblock, an act to amend the Military Law, in relation to authorizing the Governor to present the

Conspicuous Service Cross to certain persons;

3961A, by Senator Cook, an act to amend the Insurance Law, in relation to motor vehicle insurance coverage;

5835, by Senator Hoblock, an act to amend the Executive Law, in relation to requiring that county directors of veterans services agencies be veterans.

Senator Volker, from the Committee on Codes, reports:

Senate Print 1728, by Senator Johnson, an act to amend the Penal Law, in relation to chemical agents;

2352, by Senator Hoblock, an act to amend the Penal Law, in relation to increasing the penalties for sale of controlled substances;

3693, by Senator Volker, an act to amend the Civil Practice Law and Rules, in relation to compensation;

3696, by Senator Volker, an act to amend the Civil Practice Law and Rules, in relation to a motion for a preliminary

injunction;

3822, by Senator Volker, an act to amend the Criminal Procedure Law, in relation to fingerprinting persons;

3947, by Senator Nozzolio, an act to amend the Criminal Procedure Law, in relation to the extension of criminal victims rights;

5173A, by Senator Hoblock, an act to amend the Criminal Procedure Law and the Penal Law, in relation to definition of juvenile offender;

5211, by Senator Marcellino, an act to amend the Criminal Procedure Law, in relation to anonymous injuries;

5264, by Senator Padavan, an act to amend the Penal Law, in relation to possession of gambling devices;

5492, by Senator Volker, an act to enact a Child Sex Abuse Reform Act and to amend the Criminal Procedure Law;

5727, by Senator Rath, an act to amend the Penal Law, in relation to repeat offender status;

5741, by Senator Volker, an act to amend the Criminal Procedure Law, in relation to a defendant's right.

Senator Leibell, from the Committee on Housing and Community Development, reports:

Senate Print 3343, by Senator Leibell, an act to amend the Real Property Tax Law;

3480, by Senator Leibell, an act to amend the Administrative Code of the City of New York and the Emergency Tenant Protection Acts of 1974;

3535, by Senator Kuhl, an act to amend the Executive Law, in relation to exempting cultural educational facilities;

3540, by Senator Hannon, an act to amend the Emergency Tenant Protection Act of 1974 and the Administrative Code of the City of New York.

All bills -- excuse me.

Senator Present, from the Committee on Economic Development and Small

Business, reports:

Senate Print 2311, by Senator Present, an act to amend the Economic Development Law, in relation to directing a rural agribusiness study;

2916, by Senator Saland, an act to amend the Administrative Procedure Act, in relation to including the Workers' Compensation Board;

3173, by Senator LaValle, an act to amend the Economic Development Law, in relation to establishing an enviromarket advisory committee.

All bills ordered directly for third reading.

THE PRESIDENT: Without objection, all bills directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolution.

Senator Skelos.

SENATOR SKELOS: Madam President,

at this time may we please adopt the Resolution Calendar.

THE PRESIDENT: All those in favor of adopting the Resolution Calendar, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

SENATOR SKELOS: At this time, if we could take -

THE PRESIDENT: Senator Tully.

SENATOR TULLY: Yes, Madam President. On behalf of Senator Goodman, please place a sponsor's star on Calendar Number 56.

THE PRESIDENT: The bill is starred.

Senator Skelos.

SENATOR BRUNO: Madam President, at this time, may we please have the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 58, by Senator Bruno, Senate Print 5597A, Concurrent Resolution of the Senate and Assembly proposing amendments to Article III of the Constitution.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: Lay it aside.

THE SECRETARY: Calendar Number 59, by Senator Bruno, Senate Print 5598A, an act to amend the Legislative Law, the State Finance Law and the Executive Law, in relation to estimates of state revenues.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 81, by Senator Rath, Senate Print 2010A, an act to amend the General Municipal Law, Chapter 708 of the Laws of 1992 amending the General Municipal Law, and other laws relating to the temporary investment of monies.

THE PRESIDENT: Read the last

section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 35.

THE PRESIDENT: The bill is passed.

SENATOR BRUNO: Madam President, at this time, could we have the Calendar Numbers 58 and 59 read for the purposes of Senator Leichter voting.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 58, by Senator Bruno, Senate Print 5597A, Concurrent Resolution of the Senate and Assembly, proposing amendments to Article III of the Constitution.

THE PRESIDENT: Call the roll please.

(The Secretary called the roll.)

Senator Leichter, how do you

vote?

SENATOR LEICHTER: Negative.

SENATOR SKELOS: Withdraw the roll call.

THE PRESIDENT: Withdraw the roll call.

THE SECRETARY: Calendar Number 59, by Senator Bruno, Senate Print 5598A, an act to amend the Legislative Law, the State Finance Law, and the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

Senator Leichter, how do you vote?

SENATOR LEICHTER: No.

SENATOR SKELOS: Withdraw the roll call, please.

THE PRESIDENT: Withdraw the roll

call. The bill is laid aside.

SENATOR SKELOS: Please withdraw the roll call.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 96, by Senator Velella, Senate Print 5753, an act to amend Chapter 694 of the Laws of 1995, amending the General Business Law, the Public Health Law and the Vehicle and Traffic Law.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 107, by Senator Maltese, Senate Print 3240A, an act to amend the Vehicle and Traffic Law, in relation to increasing the penalty for

obstructing access to a fire vehicle.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

THE PRESIDENT: This bill is passed.

THE SECRETARY: Calendar Number 134, by Senator Stafford, Senate Print 614, an act to amend the Environmental Conservation Law, in relation to nonhazardous municipal landfill closure.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar Number 146, by Senator Lack, Senate Print 2826A, an act to amend the Judiciary Law, in relation to payment of expenses in attorney disciplinary proceedings.

ACTING PRESIDENT RATH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 90 days.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar Number 148, by Senator Volker, Senate Print 5825, an act to amend the Judiciary Law, in relation to the seal of Livingston County.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar Number 149, by Senator Volker, Senate Print 747, an act to amend the Town Law and the General Municipal Law, in relation to the deadline for the annual audit to be completed.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar Number 150, by Senator Present, Senate Print 1218, an act to amend the General Municipal Law, in relation to municipal contingency and tax stabilization reserve funds.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar Number 151, by Senator Rath, Senate Print 1280, an act to amend the General Municipal Law, in relation to the alternative methods of performance of regulatory mandates.

SENATOR GOLD: Which bill is this?

ACTING PRESIDENT RATH: Calendar

151.

SENATOR GOLD: Senator?

ACTING PRESIDENT RATH: Senator Rath's bill.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar Number 154, by Senator Seward.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT RATH: Lay the bill aside.

THE SECRETARY: Calendar Number 156, by Senator Saland, Senate Print 5757, an act to confirm the existence and boundaries of the Craryville Fire District in the Towns of Taghkanic, Copake, Claverack and Hillsdale,

Columbia County.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar Number 178, by Senator Velella, Senate Print 5972, an act to amend the Insurance Law, in relation to providing that certain policies which provide coverage for hospital, surgical or medical care include coverage for services performed.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT RATH: The bill is passed.

Senator Skelos, that completes the noncontroversial calendar.

SENATOR SKELOS: Madam President, at this time, I believe there is a report from the Finance Committee. I ask that it be read.

ACTING PRESIDENT RATH: There is a report from the Finance Committee.

Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers the following nomination:

Member of the State Athletic Commission, Floyd Patterson of New Paltz.

ACTING PRESIDENT RATH: Senator Stafford.

SENATOR STAFFORD: Madam President, before I yield to my close friend, Senator Cook, who is so fortunate to have the Pattersons live in his Senate District, I would

only point out the magnificent job the Champ did today during the Finance meeting.

He talked about his sport and he also talked about physical fitness, and he made as good a statement as I have ever heard made at any Finance Committee meeting.

As I mentioned today, Mr. President, whether someone is part of history or not often is thought of whether you can remember when something happened and where you were when it happened, whether it's a President being assassinated, whether it's any event here in our country or world; but I remember where I was on June 26, 1959, when there was a boxing match in Yankee Stadium. I was at a pre -- what do you call it when you have the -- rehearsal. I was at the rehearsal dinner at a wedding in Kingston. As a matter of fact, we listened to the fight.

I also know where I was on June 20, 1960, when Floyd Patterson, in the Polo Grounds, regained the title -- the World Heavyweight title -- the only champion to do

that; and also I do remember where I was on March 13, 1961, when the Champ fought that individual -- we're not going to mention his name -- and retained the heavyweight title.

I think that shows, Madam President, Floyd Patterson is a great citizen of our state. He has set an example, and we are so fortunate -- I compliment the Governor -- on his being a member of the Athletic Commission.

And I apologize. I yield to Senator Cook.

ACTING PRESIDENT RATH: Senator Cook.

SENATOR COOK: Madam President, we have all used the phrase we're introducing someone who needs no introduction, but today that really -- that phrase really fits because certainly Floyd Patterson is someone who is far better known than anyone in this chamber.

Those of us who have served here through the years have admired his -- what he has done in the sports arena, but we have also admired what he has done in the public arena,

and that really is where it's all at in this appointment.

I think it's significant that Floyd Patterson is one of those people whose qualifications are apparent to people regardless of party lines. He's been appointed by both Re publican and Democrat Governors to the Athletic Commission. Now, that certainly indicates that people recognize his high qualities, but I think among the things that impresses me the most about him is the humanitarian work that he has done, visiting the field hospitals in Vietnam during the war in 1967, working with young people in the community, helping share his knowledge not just of boxing but of relation ships with other human beings, of sportsmanship, of personal dedication, of those qualities that makes someone a good human being, and he's been able to communicate with young people in ways that other people would not have been able to do simply because of who he is, and that's been very important.

As a guest speaker, he's been in

great demand because, when he says something, he says it from experience and from the heart. It's not something that is an intellectual exercise. It's something that he knows to be true and something that people listen to him and believe because they know that he is saying it from the heart.

He also has been a supporter and a key player in support of many of the founda tions and organizations that deal with disease and with the hardships of human beings. He's been involved in blood drives and the American Cancer Society, Child Find, the Diabetes Founda tion, the Special Olympics where he was particularly valuable, in the American Mobiliza tion to End Narcotics, and, of course, in his own -- what is named for him, anyway, the Floyd Patterson Children's Fund.

He is someone who exemplifies the best in America, someone who has given to the country far more than he has received, someone we can be proud of not just because of what he does but because of who he is.

And, so I am very, very pleased and proud to second the nomination of Floyd Patterson for the Athletic Commission.

ACTING PRESIDENT RATH: Thank you, Senator Cook.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise also in support of the nomination. I met Floyd Patterson for the first time last year when he came through our committee, and it seemed like I knew him all my life. He is an individual with such character and charisma and true feelings that you know the man is sincere about everything he does.

I think that the most impressive thing is that he has continued to work with youth in his community, and it's so important these days that people have sports heroes and true heroes that are giving rather than taking from society, and it's just fantastic that the Governor could find such a person of character and integrity and sincerity to be placed in this particular position.

Mr. Patterson's nomination went through our committee yesterday without his appearance. Everyone mentioned who was present that there's no need for him to reappear. He appeared last year, and he made certain that everyone knew that this was the right choice, and he unanimously passed my committee yesterday, the Tourism, Recreation and Sports Development Committee.

I am pleased to rise in support of his nomination, and I'm certain that the vote today will be unanimous.

ACTING PRESIDENT RATH: Thank you, Senator DeFrancisco.

Senator Goodman.

SENATOR GOODMAN: Madam President, I rise with great enthusiasm to second this nomination, because Floyd Patterson was not just a champion in the ring but has been a champion all the rest of his life out of the ring.

He is a particularly outstanding role model for our youth, and I'm proud to say

that I have known him for a number of years during which time he has always been on the side of every possible reform both of boxing and other areas, and there's one in particular to which I would like to refer.

It is called ultimate fighting. Ultimate fighting is a new sports disease, if you will, that is overtaking our American countryside and which represents the lowest form of athletic contest between two human beings.

Ultimate fighting consists of two people who go at one another with no holds barred in an octagonal-shaped ring, using any available weapon in their human anatomy to try to cripple, maim and destroy their opponent. There are no time regulations in this sport. There's nothing in this sport which prevents someone from using knees or elbows to the eyes or other vital parts of human beings.

If you have occasion to observe -- and I hope you never will -- one of these bouts, which are now being popularly presented in tapes through our local video

stores, you will see the worst kind of human mayhem in the ring. People are literally beaten to a pulp. They are not removed from the ring by any authority until they are absolutely incapable of either human motion or in the eventuality that they're literally on the verge of being choked to death.

When called upon to take a position on this, our champion unequivocally opposed it and is doing everything within his power as the leading authority on athletic contestants meeting one another in combat to try to bar this sport from the state of New York and, as you probably are aware, there is a bill before the Legislature, strongly backed by the Governor and the Champion, which will seek to bar from New York State forever this outrageous form that goes under the masquerade of a sport.

It is something which is unacceptable, animalistic, inhuman and creates the worse possible kind of role model for our youth. It must be banned.

I'm delighted to second this

nomination with the strong conviction that we have on our side someone who represents the highest values in boxing which, properly regulated, is a sport that's generally accepted and can find keys to the ghetto gate for the underprivileged and many other advantages, but certainly not for ultimate fighting which represents the lowest form of degraded behavior.

Madam President, with enthusiasm, again, I second the nomination of Champ Paterson.

Thank you.

ACTING PRESIDENT RATH: Thank you, Senator Goodman.

The next person is Senator Larkin.

SENATOR LARKIN: Thank you, Madam President. I rise with honor to second the nomination of Floyd Patterson.

We have a young man who came out of the New York environs. He went on to be in the Olympics, and then he went on to be our champion. Those of you who are as old as Jess

Present would remember that fight in Yankee Stadium with Johannson.

I happened to have the privilege about a week ago to see a replay of that and, when I saw the Champ hit him, I was just thankful to God that I was watching it, not being the recipient of that punch.

But the punch this individual plays in our everyday life with our youth is very important, because he tries to convey to them that there is something else out there besides trouble. In his own community, he has brought young people together to tell them about the finer things in life and how they achieve them and how they achieve them in a positive manner and what they should be doing to become a role model themselves.

I know he is a constituent of Senator Cook's, but my daughter lives not too far from him and the things that she tells of his efforts on behalf of young people in the church and in the school and in the community, there is no one too rich and no one too poor

that he is afraid to share something with, and he shares it with the children with the attitude of "Come on. Look in the mirror. Make yourself proud. Make somebody else proud."

You know, boxing in New York has fallen to its lowest level. The Governor had said when he made this nomination he wanted to bring boxing back to New York to be something positive. Boxing will have a real place in New York with Floyd Patterson at the head.

ACTING PRESIDENT RATH: Thank you, Senator Larkin.

Senator Hoffmann.

SENATOR HOFFMANN: I rise with great pleasure to second the nomination of Floyd Patterson. He is no stranger to the 48th Senate District, having traveled many times to visit the International Boxing Hall of Fame in Canastota, New York, where he attends regular community events as well as greeting the public when it comes from all over the world to study and herald the great successes of many boxers and to encourage young athletes in training.

One of the things that Floyd Patterson has demonstrated quite clearly in his own life and tries to impart to young people is that enormous sense of self-discipline. Now, Floyd Patterson is able to communicate this not just in terms of boxing and not just in terms of the young men who study the sport, but he speaks to young people in general about the importance of maintaining self-discipline, control and having a clear vision for the future in one's life.

He and his wife have both made a personal crusade of helping young people to meet the challenges, whether they are drugs, whether they are crime, whether they are lack of opportunity, poverty, or a general frustration and malaise that seems to beset so many young people today. Floyd Patterson has demonstrated over and over again that he knows young people can rise to a challenge if somebody just finds the right way to approach them and tries with some tenderness to reach that spirit inside that they have not kindled themselves.

So I am thrilled that he has agreed to accept this personal challenge and that he and Mrs. Patterson are willing to continue to meet the young people around the state of New York. I would remind my friends that it is more than a boxing commission. It is an athletic commission. It does meet the needs of young men and young women in this state.

As a personal example, I think we could find none more sterling and none of a broader background and base than Mr. Floyd Patterson, so I'm very privileged to be able to nominate an honorary citizen of the 48th Senate District and a good friend of ours, along with his wife, who is with us today.

Thank you, Madam President.

ACTING PRESIDENT RATH: Thank you, Senator Hoffmann.

Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

It is with distinction, on behalf of the Minority Leader, Senator Connor, that we

congratulate the Governor on this appointment of Floyd Patterson to the State Athletic Commission.

We did this last year, and there were a number of warm tributes, and it's even a further tribute to the character of this individual that people saw fit to get up again because it is an issue that needs to be stated and restated when a person has gone so far in so many ways to affect the lives of other people: Floyd Patterson's work with youth, Floyd Patterson's influence on adults, and his tremendous record as a boxer and as a citizen of this state and one that bears a great deal of admiration and would be the catalyst for his appointment today.

I just want Senator Stafford to know that I know where I was in June of 1968 when Floyd Patterson fought Jerry Quarry, in my opinion the worst decision that I had ever seen in a boxing match until October 1969, when, in my opinion, Floyd Patterson should have won the title back a third time when, in my opinion, he

defeated Jimmy Ellis. But I guess I wasn't a good boxing referee, watching television.

In both of those fights what I remembered so well last year and what I remember today was the type of discipline and the type of character that Senator Hoffmann referred to displayed by Floyd Patterson when it was announced that he lost those fights. It was a tremendous inspiration to me as a young person at that time about the caliber of an individual, whether they face victory or defeat.

And it is with that memory that we lend our support to this nomination and are assured that he will continue his fine service to the citizens of the State of New York.

ACTING PRESIDENT RATH: Thank you, Senator Paterson.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

I rise not to simply echo the thoughts of my colleagues about the past accomplishments of Floyd Patterson but to talk

about his accomplishments yet to come.

I asked him during the course of the Finance Committee deliberations about the relationship between the fighters and the fight enterprise, and I was impressed with his compassion when he talked about the need to make sure that the athletes who give of themselves in the ring, who bring consumer dollars to Madison Square Garden -- really, the fight capital of the world.

It seems to me he expressed a firm conviction that he would work in this position to improve the fight game in New York and to protect those athletes from exploitation by their agents or by others.

Champ, I can only tell you that I think everyone in this room is behind you. Give those avaricious agents -- with hairdos and handshakes -- give them a message from the people of the State of New York that when you take our consumer dollars, we want to make sure that the athletes who give of themselves to entertain consumers in New York will find a

ready friend in the State Athletic Commission to protect them from exploitation.

I've heard too many stories about fighters who have gotten through the fight game left penniless, oftentimes relying on public assistance, suffering from other diseases, and it seems to me that the time to end that has come.

Champ, give them the one, two, and let's bring back respectability and nobility to this profession.

ACTING PRESIDENT RATH: Senator Markowitz.

(There was no response.)

Senator Markowitz left the chamber?

Senator Markowitz.

SENATOR MARKOWITZ: Thank you very, very much.

First off, I want to commend the Governor. We're quick to disagree when we feel he's wrong, but this appointment, it's a knockout.

So I want to congratulate the Governor. I know this will be a superb appointment, and I want to share with Senator Goodman just a few moments, and I'm delighted that ultimate boxing, fighting, or whatever they call this violent sport, that our commissioner will vehemently ensure that it will not be introduced in New York State.

I can tell you that the promoters of this vicious sport attempted to have their first "ultimate fighting duel," you might say, in the heart of my Senatorial District. The last thing our society needs, in my opinion, is another outlet for the expression of violence, which is what that sport that they call a sport would have brought to the citizens of New York City and New York State.

So I commend Mr. Patterson. I know that he will be among the best appointments that Governor Pataki will ever make.

Thank you.

ACTING PRESIDENT RATH: Thank you, Senator Markowitz.

Senator Waldon.

SENATOR WALDON: Thank you very much, Madam President.

I grew up in Brooklyn, Halsey Street between Reed and Patchen, Patchen Avenue between Quickham and Jefferson. I used to go down to Bainbridge Street, play stickball with guys like D. D. Thompson, Clifton and Farrell Daley, the DeMeyer brothers, and that whole host -- Donny Carrington -- whole host of guys who Father Manning had an influence upon at Holy Rosary, and there was a guy who some of us after he began to move up in the boxing world imagined and fantasized had he crossed our paths when we were playing Ring O'Levio, kick the can and all those other games that poor kids in Brooklyn played because they had not much else to play with. We had no uniforms. We had no baseball. We had no real glove.

We recognized, though, when Floyd Patterson rose to the pinnacle of success in the fight game as the heavyweight champion that even though many of our IQs were not very high, we

were very smart not to have challenged him at that time on the streets of Brooklyn.

I would like to say that I admire this man even though we aren't really intimates or friends because he is an example of someone who came from the ghetto but the ghetto is not necessarily in him. He is a world renowned personality. He is a person who is respected throughout the world in terms of his accomplish ments but of the spirit, as well, that he brings to the fight game.

I think that Governor Pataki has made a wise decision in turning the reins of the New York State Athletic Commission over again into the hands of Floyd Patterson, and I would like to say that to he and his wife, I wish you great success this time, Champ, and this time I'm here in the Senate to praise and applaud a brother from Brooklyn, one of the guys from Bed-Stuy, one of the guys whose name is emblazoned across the universe in terms of the fight game, and through your success, the rest of us who came from those cold water flats with

the rats and the roaches also had a chance to be somebody.

Thanks a lot, Floyd, for all you've done for everyone.

ACTING PRESIDENT RATH: Do any other members wish to speak?

(There was no response.)

If not, the question is on the confirmation of Floyd Patterson as a member of the State Athletic Commission.

All in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

Floyd Patterson is hereby confirmed as member and chairman of the State Athletic Commission.

(Standing ovation)

ACTING PRESIDENT RATH: Chairman Patterson, before I could get the words out of my mouth to congratulate you on behalf of the New York State Senate, my colleagues rose to

greet you in an appropriate way.

And, again, thank you for all you've done for all of the children of the State of New York and, indeed, throughout this great country, and we look forward to your exemplary service again; and thank you and Mrs. Patterson for being with us here today.

MR. PATTERSON: Thank you. God bless you all for all the beautiful words. I will never forget it for as long as I live.

Thank you.

(Applause)

Senator Skelos.

SENATOR SKELOS: Would you please recognize Senator Larkin.

ACTING PRESIDENT RATH: Senator Larkin.

SENATOR LARKIN: Madam President, we have a Resolution 2319, honoring Larry Moses from the town of Newburgh, who has just been elected as the National Commander of the American Ex-Prisoners of War, on the occasion of his selection.

Mr. Moses was a prisoner of war for 24 months.

We would like to open it up so that we in this chamber can all honor a distinguished American.

SENATOR SKELOS: Those Senators interested in sponsoring the resolution, if they could so inform the desk.

ACTING PRESIDENT RATH: Thank you, Senator Skelos. There are a number of people raising their hands.

The resolution will be presented with all unless there are objections, Senator Skelos?

SENATOR SKELOS: With the consent of the Minority, we can put everybody on the resolution. If they do not wish to sponsor the resolution, if they could inform the desk.

ACTING PRESIDENT RATH: There will be fewer, yes, who would prefer not to be on than doing it the other way. Thank you for your guidance in that, Senator Skelos.

All in favor of the resolution,

aye.

(Response of "Aye.")

Opposed.

(There was no response.)

The resolution is passed.

Senator Skelos.

SENATOR BRUNO: At this time, if we could take up the controversial calendar, and if we could start with Senator Seward's bill, Calendar Number 154.

ACTING PRESIDENT RATH: Secretary will read.

THE SECRETARY: Calendar Number 154, by Senator Seward, Senate Print 3377A, an act to amend the General Municipal Law, in relation to conflict of interest.

ACTING PRESIDENT RATH: Senator Paterson, did you need an explanation?

SENATOR PATERSON: Yes, please.

ACTING PRESIDENT RATH: Explanation. Senator Seward.

SENATOR SEWARD: This is a bill which passed this house last year and this deals

with the issue of updating some of the conflict of interest provisions in the General Municipal Law.

Just as a matter of background, Section 801 of the General Municipal Law is a blanket prohibition against the conflict of interest for municipal officers and employees, and this bill does not address this particular section, but it does move on to address Section 802, which sets forth numerous exceptions to the prohibition including an exemption of up to $100 per year for contracts in which the officer may be involved in terms of having an interest.

Now, the legislation before us does two things.

Number one, it raises the exemption from $100 per year to $750 per year and that's been -- has not been addressed since 1964. So it's merely updating that number.

And the second item in the bill is that for non-salaried municipal board members in rural counties only, under 200,000, it allows purchases in the aggregate of up to $5,000 a

year, where the board member abstains and the resolution for purchases is unanimous. It also requires that under those conditions, obviously, the standard procurement procedures must be followed. In other words, it must be the lowest bid available.

So the rationale, of course, is that in the rural areas, local providers, sometimes the only provider, may very well be on these nonsalaried municipal boards, and this has been a problem in some of our rural areas. I have had a problem in my own area, and we're attempting to deal with this in some reasonable, responsible, ethical way, a very limited way.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: Thank you very much, Madam President.

If the Senator would yield for a question?

ACTING PRESIDENT RATH: Senator?

SENATOR SEWARD: Certainly.

SENATOR PATERSON: Senator, line

9 of the bill, which discusses the aggregate of $5,000 over the period of a year, a year that may be involved in the amount of money that is utilized in contracts, is this something that is new legislation or in 1964, when the $100 limit was set in Section 801 of the General Municipal Law? What I'm missing is whether or not this is something new or are you updating this amount?

SENATOR SEWARD: This procedure and the stipulations outlined in the bill for up to the 5,000 for the nonsalaried board members that are elected is -- this whole process is a new addition to that Section 802.

SENATOR PATERSON: Thank you very much.

Through you, Madam President. Senator Seward, I don't have a problem with Section 801. If the amount was $100 in 1964 and we're simply adjusting for inflation, $750 might be high, based on that standard, but I don't really have a problem with that.

I do have a problem with what we're now doing that applies to Section 802,

which is the aggregate of $5,000. It seems to me that a great deal of business can be conducted by the nonsalaried board member in rural counties, to such an extent that even if they abstain on the resolution that it would be problematic and certainly within line with what conflict of interest laws exist.

Perhaps you might want to explain to me and the other members how you think that that isn't the case.

ACTING PRESIDENT RATH: Senator Seward.

SENATOR SEWARD: Well, Madam President, Senator Paterson may find it prob lematic in terms of setting up this procedure involving purchases up to $5,000. The reason that I'm sponsoring this bill is that it's been problematic not having some kind of limited process in the law to cover situations like this.

The reason I do not believe that it throws open the conflict of interest provisions in the General Municipal Law is that

we very consciously make it such a narrow set of circumstances -- the member of the governing board; it has to be an elected position serving without salary; the purchases, those that are up to $5,000 in aggregate, have got to be done according to the lowest possible bid.

All of those procurement policies and procedures are very much in place. We're not changing those at all in terms of the low bid provisions, and the resolutions authorizing the purchases in this situation have got to be unanimous with the one particular member abstaining.

So it's not a problem, in my estimation, because we are so narrowly defining the set of circumstances so that we are not just throwing these conflict of interest provisions out the window.

SENATOR PATERSON: Thank you very much for answering, Senator Seward. They were certainly persuasive in the sense that I understand the narrow set of circumstances, and I appreciate the fact that there will be a

unanimous vote of the board and abstention on the part of the particular member that's involved.

However, on the bill, I would suggest that should this bill come up again that perhaps it might be a little more foresighted to start the amount at something lower than $5,000 per year, which, in my opinion, would allow for an individual to be involved in as many as 20, 25, 30 separate contracts.

So what I'm just saying is that the old amount that we had was $100. We could understand that. We're raising that to $750. But Section 802, right now the amount would be zero. In other words, we've never done this before and all of a sudden, we're jumping to an aggregate of $5,000 a year.

I just think it's excessive and certainly opens the door to a certain amount of coercion on the board and a certain amount of cooperation that exists among board members to the possible detriment relating to conflict of interest.

ACTING PRESIDENT RATH: Do any other members wish to speak?

(There was no response.)

Call the roll.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar 154 are Senators Abate, Connor, Paterson and Smith. Ayes 51, nays 4.

ACTING PRESIDENT RATH: The bill is passed.

One moment.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Why do you rise, Senator Gold?

SENATOR GOLD: While we seem to have a small pause -

ACTING PRESIDENT RATH: Just a pause.

SENATOR GOLD: The last bill was

154. Could I please be recorded in the negative on that?

ACTING PRESIDENT RATH: Correct. Senator Gold has requested to be recorded in the negative on Calendar Number 154.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President. By way of order of the calendar, can we call up Calendar Number 59, by Senator Bruno, please.

ACTING PRESIDENT RATH: Secretary will read.

THE SECRETARY: Calendar Number 59, by Senator Bruno, Senate Print 5598A, an act to amend the Legislative Law, the State Finance Law and the Executive Law, in relation to estimates of state revenues.

SENATOR GOLD: Explanation.

ACTING PRESIDENT RATH: Explanation has been called for. Senator Stafford.

SENATOR STAFFORD: Madam President, all of us who have served here in the

Legislature or in the Senate or in the Assembly have often thought and said to ourselves we should make some changes, we should have some reform when it comes to putting our fiscal house in order. No pun intended.

We all realize that it's a complicated procedure. We all realize that we serve here in the Senate -- there are 61 of us. It would be good if every one of us could do what we want to do and have that pass, have that signed into law but, of course, that cannot be done. We have to have a system whereby together we reach a consensus and we get more than a majority or a majority in our votes to pass the legislation and to pass a budget.

Now, putting the budget together is extremely complicated, and if we were to follow this procedure, we were to find that it's almost unbelievable. But those of us who have served in local government, those of us who have served in any other government, or actually in the private sector, realize putting a budget together, once again it is getting an agreement,

getting a consensus, and deciding what we will take in and what we will spend.

Now, here in government, here in the state, the agencies, the state agencies, they start preparing the budget in the summer, sometimes before the summer. Some are doing it already, but when it was not quite so complicated, it would start in the fall, sometimes in the summer and the executive branch would decide on the numbers, and it would be submitted to the Legislature usually on February 1st or the last week in January, at the end of January.

To the Governor's credit, this year he provided us with a budget on December - December 15th, and this has made a great deal of difference and is making our job not only easier but we're able to really understand more of what we are doing and really have a handle on making our decisions, and I don't say that criticizing those who have gone before us either in the legislative branch or in the executive branch, but it was just understood years ago, when I

first got here, that the Division of the Budget really had the people, had the officials, and they really had the power because they had the knowledge and they had those who had the information.

It has changed a bit, I think, in all areas of government, and we do have very hard workers in the Senate in the fiscal committees and, yes, in the fiscal committee in the Assembly.

I do want to mention, Madam President, before I go any further because I wanted to mention this as quickly as possible. We have had hearings on the budget, and they have been going on for over a month, and I would tell you that we have gone into the hearings at about 10:00 o'clock usually and left sometimes at late as 9:30 or 10:00. But I won't tell you that because that would be self-serving, but we were there. We were there, and people were able to come in to Assemblyman Farrell and myself. Many of you were there, many of the personnel, members of the Assembly were there, and people

had the opportunity to speak their mind.

I think to the credit of the system we had and those involved, excluding myself, it's a real compliment because we were given a great deal of information, and I can only say to you that for a number of years - and I have served here a number of years -- I've often thought that hearings were sort of a waste of time at times. But these hearings, I assure you, one can always learn.

People came in and discussed how their lives were going to be affected. They discussed how their business was going to be affected. They came in and discussed how their families were going to be affected. They came in and just explained how this budget affected them, and I assure you, Mr. President, that with the hearings that we've had and with the record that has been made and is going to be printed, we will be able to do that much better a job.

Once in a while people would get a bit exercised, but we were all pleased with that because it would get us a bit blah when

you're sitting there for ten to twelve hours at a time.

But with this legislation, Mr. President, it provides clarification and will be conforming provisions related to the constitu tional amendment which we will consider after this, and it does have very, very meaningful reforms, and I have three that I would like to discuss.

I'm sure we will have a discussion. I'm sure there will be some questions, and I also want to say right here as I stand on the floor, the gentleman at my left was there just exactly like Assemblyman Farrell was and myself during the hearings that I just mentioned. I think that is important.

The first provision, what I would consider a reform, it provides for joint budget conference committees to be appointed by the Speaker and by the Majority Leader by March 10th and requires a report to the legislative leaders by March 29th. I think that's a real, real move in the right direction; and the reason I think

that conference committees are important, it's very interesting, when you get back in your district and you start discussing all of this, how things kind of clear up in your head and you realize sometimes, why, our constituents think just like we do, and I said, yes, we should have that conference committee. We should close the door. We're all mature, sensible people. We have to come to a consensus and we have to have a report. It's easier said than done, but I think it's possibly -- and I'm pointing at myself as one who would have to be understanding as much as anyone.

A second reform requires the convention of public revenue estimating conferences to be held on or before September 30th. The convention? Yeah, you're convening a public -- I see. We're learning English here today. Convention means convening.

It requires a convening of public revenue estimating conferences to be held on or before September 30th to support the development of a consensus of revenue estimate by November

20th. A follow-up conference will be held by January 10th again to support the development of an updated consensus estimate by January 20th.

And, my friends, you see there a number of times the word "consensus" used. That is what we have to have, no matter what area of government we are serving in, no matter what level -- and I don't like the word "level" because I think one area of government really is as important as the other, whether it be local, state, or federal.

And, thirdly, the statute requires a submission by the Governor of a more detailed four-year financial projection for the Executive Budget and an update of the four-year projection within 60 days of budget passage.

Madam President, again you have to be careful when you start taking credit for anything because, believe me, many, many others have been involved. This is one area that I have said we had to really get something done, and that is to have a sensible -- a sensible, really, determination for at least three to four

years out. Businesses do it. The state must do it. At the present time and we've been doing it for many, many years, more years than any of us have been here or will be here, year by year. This does have to be changed. I compliment the Majority Leader who has led this move. I compliment the Governor, who also has been joined in leading. I commend all who have worked hard in the drafting of this legislation and hopefully its passage.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: Madam President, would the distinguished Senator yield?

ACTING PRESIDENT RATH: The Senator yields.

SENATOR GOLD: Senator, I appreciate the fact that your remarks were highlights, but I'm taking a look at the document which I understand is the memo which, as I look at the bill, it starts off in Section 1 and Section 2, says that there is a provision for a two-thirds vote of revenue actions

amounting to $50 million.

SENATOR STAFFORD: The mandate is in the Constitution, but let me please mention this and I will -- whenever you need more information, I will do my best to get it for you. Remember how we kept trying to tell people to summarize the highlights all during the hearings? That's what I tried to do.

SENATOR GOLD: And very well. So, Senator, what I'm trying to -- I ask you again if you'll yield.

SENATOR STAFFORD: Yeah.

SENATOR GOLD: The memo says there's a provision in the bill that would require a two-thirds vote on revenue actions amounting to $50 million or more. Could you just tell me where that is in the bill itself?

SENATOR STAFFORD: In the bill itself. All right. If I could, Senator Gold, the amendment to the Constitution is what sets forth the necessity of the two-thirds vote. The bill just specifies on how this will be carried out.

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

SENATOR STAFFORD: By all means.

SENATOR GOLD: Senator, if I really understand this, the calendar number before this bill which we didn't do yet is a Constitution -- proposed constitutional amendment and, if that were to take effect, this bill has some language in it which would basically be the enabling or the actual carrying out of that provision.

SENATOR STAFFORD: Yes.

SENATOR GOLD: So if I may continue, Madam President, in the bill that we have before us on page 1, line 20 where it refers to Section 20, Article III of the Constitution and definitions of the word "tax", I think, Senator, you would agree with me that as of today as we stand in the state of New York, Article III, Section 20 does not even use the word "tax", and basically you're asking that we pass a bill and that this bill be sitting around in case some day we ever pass an

amendment to Section 3, Article 20 which may, indeed, have the word "tax" in it. Is that -

SENATOR STAFFORD: Your point is well taken, but this would only take effect once we have that constitutional amendment in effect.

SENATOR GOLD: Oh. Well, Senator, if you'll yield to another question.

ACTING PRESIDENT RATH: Will the Senator yield?

(Senator Stafford nods his head.)

SENATOR GOLD: Has the print before us, 5598, passed both houses of the Legislature at any point? The one -- I'm sorry. I'm talking about Calendar Number 58, the constitutional amendment. Has that passed both houses of the Legislature yet?

SENATOR STAFFORD: I will share with you that -- I have a feeling, just looking at the entire situation, that that will be passed. It has not.

SENATOR GOLD: It has not. So, Senator, if I then understand it, if we did -

if the Senator would continue to yield.

ACTING PRESIDENT RATH: Senator, do you continue to yield?

SENATOR GOLD: If, Senator, we passed Calendar 58 this year as a constitutional amendment, I believe that the -- we would have to resubmit it to a Legislature elected after this November and it would have to be repasssed and then submitted to the voters in November of 1997. Isn't that correct, Senator?

SENATOR STAFFORD: Well, right, but, of course, it has to take effect after all of that you just mentioned.

SENATOR GOLD: Yeah. Well, Senator, this is my question. Isn't it a little unusual to -- to propose legislation that we pass now which defines words that are not even in the state Constitution, and then suggest that we pass that in the law, and then wait around for two years to see whether or not this Legislature and then the following Legislature decides to submit to the people a constitutional amendment which they may reject rather than to

wait until the people have spoken or at least once the bill -- the constitutional amendment has passed, then suggest language. Isn't this just way, way, way putting the cart before the horse in this case?

SENATOR STAFFORD: No, I -- I don't think that this puts the cart before the horse, because I think having this bill in print and in effect people will see exactly how the constitutional amendment will be carried out once this passes. This will be part of the information that we make available when this amendment has, as you say, passed one session of the Legislature -- of a Legislature. It has to pass the next -- the next Legislature, two-year cycle, then be submitted to the people.

SENATOR GOLD: Thank you.

Madam President, on the bill.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: When Senator Stafford talks, I listen. All right? It may not be Smith Barney but when he talks, I

listen.

Senator Stafford rightfully said that if you're going to put a budget plan together, you need a consensus, and he used that word "consensus" over and over, and I'm glad he did that because that is really accurate, but I would also suggest to Senator Stafford that, if you're creating a format for reform, that also needs a consensus because whatever we pass in this house is of no effect unless it passed in the other house and submitted to the people if it's a constitutional amendment or submitted to the Governor if it is to be a law.

I don't know whether there is any great consensus here. I will say this, that by you reading the proposed law change that we're on now and reading the proposed constitutional amendment which is Calendar 58, there is some good news and that good news, as I see it, Senator Stafford, is that your conference had the good sense to reject some of the Governor's proposals because the Governor has also suggested that we change the process, and it's

my understanding that he has suggested increasing transfer authority for the Director of the Budget to ten percent, including across the board for agencies, diluting the meaning of our legislative appropriations.

Now, maybe if you were the Governor, you would think that's pretty good stuff, but I don't know whether 61 men and women in this house and 150 in the other house would agree with that. So I'm glad you have sent a message to our former colleague in the Senate and said that wasn't so great.

You also rejected Governor Pataki's proposal of changing the lapse date for appropriations to March 31st, which proposal, by the way, failed to recognize normal business practices and could have adversely affected small business.

Also, I understand, that the executive had asked for authority to enter into contracts without appropriation authority, and this may be in the form of moral obligation without legislative approval and, again, I

appreciate the fact that your side stood up for the Legislature in that way.

It may also be that, if you wanted to sit down with people like Senator Stachowski and Senator Nanula and Senator Leichter and Senator Dollinger, et cetera, et cetera, we might be able to really put together some reform package for the budget that -- that was a consensus, to use your word.

I see some flaws in the bill as it's presented, and I was concerned about one of the comments that Senator Stafford made when it came to the provision about a conference committee. Now, last year there was quite a bit to say about the concept of whether or not the Governor and legislative leaders, as bargainers, were going to do that in an open room with the press watching and with the people watching to get away from the old methodology of people going behind closed doors and talking that way, but yet when I heard Senator Stafford, he said specifically that a committee would be appointed no later than March 10th and they were to report

no later than March 29th, and that they would go behind closed doors and hammer it out.

Well, Senator, I don't know whether you meant that literally, but that's what you said and perhaps you would want to amend that, but if you're talking about putting together a group of people and sitting behind closed doors, I don't know how that changes what happens now when legislative leaders go behind closed doors; but, if you look at your proposed legislation at page 1, lines 10 through 13, it provides that there shall be a report, which sounds very encouraging, until you get to line 13 itself which says "except the report may be that we can't give you a report." That's terrific.

So, we will have a conference committee that, according to Senator Stafford, works behind closed doors from March 10th to March 29th, and then we'll emerge, as everyone stands breathless, and hand up a piece of paper that says we cannot report. Now, I don't know what that is going to accomplish.

As far as the language dealing with the two-thirds, I am not going to say to you, Senator Stafford, that in the past we have not had constitutional amendment proposals and we have not had a statutory language that would be working together with that proposal if, in fact, it passed, but in this one particular situation, I just think you're way, way ahead of yourself because we are pretty far from that particular contingency.

At any rate, I think if you read the record of your comments, Senator Stafford, you'll find that the word you used more often was "consensus" and if you want a consensus, we're going to give you some ideas, and with the permission of the Chair, I would like to yield to Senator Nanula for the purpose of offering an amendment.

SENATOR NANULA: Madam President.

ACTING PRESIDENT RATH: Senator Bruno is our next speaker.

SENATOR BRUNO: Thank you, Madam President.

ACTING PRESIDENT RATH: He asked to be on the list before you yielded, Senator.

SENATOR BRUNO: Madam President, do I have the floor?

ACTING PRESIDENT RATH: Yes, you do, Senator Bruno.

SENATOR BRUNO: And Senator Gold has relinquished the floor?

SENATOR GOLD: Madam President, no objection.

SENATOR BRUNO: Thank you, Madam President.

ACTING GOLD: I'm delighted to listen to my leader.

ACTING PRESIDENT RATH: Thank you, Senator Gold.

Senator Bruno has the floor.

SENATOR BRUNO: Thank you.

SENATOR GOLD: And I believe Senator Connor said it to Senator Bruno.

SENATOR BRUNO: And your leader, Senator Paterson as well, who is on the floor listening diligently.

Madam President, I also was listening to Senator Stafford's explanation and Senator Gold's questions and his replies, and I think Senator Stafford established extremely well why we have this proposal before us, and as he was explaining this bill, he was also talking about the constitutional amendment that is required through a resolution that is a companion to the bill that's on the floor before us. They are truly a package. One doesn't go without the other.

On this package, anyone in this chamber that doesn't recognize that the system of passing a budget in this state doesn't work well on behalf of our constituencies -- this is not a partisan issue. It is not a political issue. This is an issue that all of us have to reconcile and resolve on behalf of our mutual constituency. We are debating and negotiating a change to the budget process with the Speaker, the Governor's office and a joint press conference on December 7th has partnered with us in the legislation, in the resolution that is

before us. So that's two out of three, presently, that feel this makes sense.

Speaker Silver, representing his conference, has advocated budget reform. We are very interested in what the Speaker has to say. We don't claim pride of authorship with what is before us, but what we do in this house is take action. There is a time for action, and the time is now for us to establish what we are prepared to do to change a budget process in this state that doesn't work, and if we in this chamber want to be a party to something continuing year after year when we know it doesn't work, then that's wrong. Then we're failing our constituency individually and mutually.

So it disturbs me a little that I sense a political position, and I hope I'm wrong that this represents a partisan attitude in that what's on the floor doesn't make sense because it's presented primarily by a Republican Conference.

Senator Gold shakes his head, and

I'm very pleased that that's the case because I know he's an honorable gentleman. He holds up his thumb which means that everything is okay, so I would expect that he will probably support what's on the floor and concur that since the system doesn't work, we've got to fix it and this is our attempt to establish where we are as a base.

Is this the only position that ought to be established? Absolutely not, but it is a position that we are prepared to move forward the constitutional amendment for first passage and the bill that's before us to become law.

So that's where we are. We're trying to fix a budget process that doesn't work. It establishes, as Senator Stafford related extremely well, right from the beginning a consensus forecast, done -- started in September, concluded in November, revised again in January and during the process asked the Governor to submit his budget by December 1st instead of the end or middle of January, the

amendment period going from 30 days to 45 days, extending fully a two-month period, doubling the time that we have for disclosure and, as the process moves forward, by March 10th -- and I want to be clear on this because I believe that there was some confusion from Senator Gold's question. The intent is, if this legislation becomes law, that by March 10th the process would be such that we would have an agreed on budget between the two houses by March 10th and that budget would move to the floor and become law when signed by the Governor. That's the intent that's before us.

If, by some quirk, the two houses don't agree by March 10th, then we each pass our own budgets to establish, then, conference committees, unless each of us does our own budget. Then the conference committees will not be operative; we each establish our own budgets in our own houses. Conference committees become effective for 15 days, March 10th to March 29th. On March 29th, the conference committees would report out, hopefully, in agreement.

Everyone knows that conference committees are open to the public, so you have totally open discussion on the budget process through the conference committee approach. On the 29th, conference committees report out; together we pass a budget by April 1st. The people of this state are happy. We are happy because we take a two-week recess. That's funny, but there is another reason why we're happy, because we have done the work on behalf of the people of this state that hasn't been done 11 out of the last 12 years -- passed the budget by April 1st.

If conference committees don't get together, if we don't have a balanced budget by April 1st, if what's before us becomes law, we will have an austerity budget that becomes the law of this state. That austerity budget will be 90 percent of the previous year's budget. That will be the law.

All appropriations and emergency appropriations will be unnecessary and illegal as dictated in the bill that's before us and the

constitutional amendment that is a partner to what's before us.

Now, that's the process. Early consensus forecasting, early budget presentation by the Governor, double at least the time for deliberation, all open -- basically open the process public, putting the budget together by March 10th because the Governor would have submitted his budget two months early. We can pass a budget three weeks early if we have it two months early.

Failing that, conference committees put together a budget by April 1st. Failing that, austerity budget. This is a good plan. Is it perfect? Maybe not. You have recommendations and suggestions. We welcome them because, again, this is not a partisan issue. It's not a political issue. We are happy to partner in resolving how to fix a budget process that's broke and doesn't work, and I know you, Senator Gold, want to make it work just as we want to make it work.

Madam President, thank you.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Thank you, Senator Bruno.

Senator Gold.

SENATOR GOLD: Would the distinguished leader indulge me for one short question?

ACTING PRESIDENT RATH: Senator Bruno?

SENATOR BRUNO: Yes, Madam President.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: Senator, you have been a groundbreaker. We start on time. There was one open conference, and you said in front of all of us within the last few minutes that this is a non-partisan effort. You've got it, a non-partisan effort, and I want to believe that.

You also said that there will be no more bulldozing, right? You already got your trophy for that, and you also said you wanted to

hear from the Speaker, and my question is an easy one. Do you also -- and you said you're interested, I think, but I want to get it clear. This proposal can't go to the people until November of '97 which means we've got this whole session to work it out. I don't think today is significant in terms of it must be today or whatever but, Senator, we have some amendments to offer today and you're saying to us, Gentlemen, ladies, it's non-partisan and it may not be perfect, and these are our suggestions, and I'm saying some of them sound pretty good.

Senator, would you at least say to me in the spirit of openness that you're talking about, that when Senator Nanula and Senator Stachowski and Senator Paterson and I and others make some suggestions today which we think makes the process even better, that in a non-partisan way you will listen and really give us meritorious votes on these today instead of what we've had so many years under different leaders, "Party vote in the negative. Party

vote in the negative. It comes from a Democrat. It can't even be a good idea. We won't even consider it." That's my question. Can we get a fair hearing from you today?

ACTING PRESIDENT RATH: Senator Bruno.

SENATOR BRUNO: Madam President, the answer to that question is certainly yes, but what is fair I'm sure will be in the eyes and ears of the beholders.

ACTING PRESIDENT RATH: Thank you, Senator Bruno.

Senator Gold, you're yielding to Senator Nanula? No?

Senator Nanula, are you next?

SENATOR NANULA: Yes.

ACTING PRESIDENT RATH: Then Senator Mendez.

SENATOR NANULA: Madam President, I'll yield to Senator Mendez.

ACTING PRESIDENT RATH: Thank you.

Senator Mendez.

SENATOR MENDEZ: Would Senator Bruno yield for a question?

ACTING PRESIDENT RATH: Senator Bruno, will you yield to a question from Senator Mendez?

SENATOR BRUNO: Yes, Madam President.

SENATOR MENDEZ: Thank you.

Senator Bruno, the provision in the bill that says that, in the event that the conference committees do not -- is not in accord, there is no agreement, that then the - there will be an austerity budget kicking in and that austerity budget would be 90 percent of the entire budget. Is that provision placed in to sort of place a gun to all of our heads to agree? Is that the purpose?

SENATOR BRUNO: No, that really isn't the main purpose, Senator. The main purpose is that the people of this state would then have a budget on April 1st whether we are able to come to agreement or not. They would have a budget in place so that they could plan,

so that payments for welfare, for Medicaid, for school aid could go out.

The incentive -- in that it would be at a reduced number, the incentive would be that we then negotiate in good faith to get it done going forward based on the revenue estimates and consensus for that particular year.

ACTING PRESIDENT RATH: Thank you, Senator.

Senator Nanula.

SENATOR NANULA: Thank you, Madam President.

I believe there is an amendment at the desk.

ACTING PRESIDENT RATH: Is there an amendment at the desk?

SENATOR GOLD: Madam President, may we waive its reading and ask Senator Nanula to explain it?

ACTING PRESIDENT RATH: Explanation.

SENATOR NANULA: Thank you, Madam

President.

I would like, before explaining, to actually commend Senator Bruno and members of the Republican Conference for the spirit and for the philosophy and the intent, which I believe is sincere, to substantively reform this process.

Since arriving here in this Senate, I have been publicly critical and I have been critical on this floor of the budget process. In fact, for those of you who might remember, I was the controversial member who introduced the "no budget, no pay" legislation in 1994, which I know went over awfully well and was very well recognized within this chamber when I actually broke ground and gave my pay back for every day that the budget was not passed.

So if there's anybody here in this chamber who has demonstrated a sincere commitment to real and substantive reform of the budget process and on-time budgets, certainly I feel that I'm amongst the top of the ranks, and

I also feel that the Senator -- Senator Bruno is sincerely committed to making this a bipartisan process, and I don't think the Republicans, very honestly, have a strong hold on their interest in reforming this process. I think it is a bipartisan effort. I think that members on both sides of the aisle are sincerely interested in changing this process, and in the spirit of that, my amendment is a simple one.

The purpose of the bill is to require that before the budget bills pass, members of each house of the Legislature receive a summary of all proposed changes to the budget as submitted by the Governor. Again, a very simple request, a very simple amendment, and more simply stated, before we vote on the budget, we would like to specifically know - every member should have the benefit of knowing, in the Senate and in the Assembly, the various detailed aspects of what we're going to be voting on.

In the Governor's bill that was submitted earlier this year, this language was

included. I'm wondering why it was removed. The Governor, who has served in this legislative body, who has voted on budgets, who has been a part of this flawed process, saw fit to include it. Historically, the "green book" has been the method of allowing the Legislature -- both sides, both houses -- to have this specific knowledge and information, but historically the "green book" has been released after the budget bills have been voted on.

I think that's wrong; and, again, Senator Bruno, Senator Stafford, in the spirit of a bipartisan effort to reform this process, to vote on a proposed piece of legislation that will hopefully bring a substantial reform to this process, I encourage you to please give consideration to this amendment and vote in the affirmative on it.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: I'm sorry, Madam President. I wanted to speak after this

amendment.

ACTING PRESIDENT RATH: After the amendment. All right. I'm sorry.

Senator Gold.

SENATOR GOLD: Thank you very much.

Madam President, I would ask that my colleagues on the other side take a look at Calendar Number 58 which, as I understand it, would limit the number of appropriation bills and budget bills that can even be submitted, and while I don't really know why yet -- I guess I'll find out -- it would seem to me that, if we have a certain amount of work to do in the state, Senator Bruno, and we're now saying that these bills must be compressed into a certain limited number of bills, that means a lot of pages per bill, it means a lot of confusion, and it would seem to me that all Senator Nanula is suggesting is something which will give us all the opportunity in a little easier manner to see exactly where we have come from the point of the Governor's budget to the point of submission.

Not only that, I take a look around and I know some of us have been here long enough to remember when "green books" and things like that were just a normal process. So, Senator Bruno, I would think that as someone who has complained to me, certainly privately if no place else, over the years, that sometimes we lose track, we're too technical.

I would urge that this is one of the kinds of reforms that could fit right into the proposals that are being thrown out by the Majority, and in the spirit of bipartisanship or non-partisanship, I would love to see the next supporting statement for this amendment come from you, Senator Bruno, or from Senator Stafford, reaching a hand across the aisle saying, "Yes, we need a consensus. We want to hear from Assemblyman Silver and we do appreciate the sincerity and the intellect that goes with Senator Nanula's suggestion."

ACTING PRESIDENT RATH: The question is on the amendment. All those in favor say aye.

(Response of "Aye".)

Opposed?

(Response of "Nay".)

The amendment is defeated.

Senator Bruno -- Senator Paterson. I'm sorry.

SENATOR PATERSON: Madam President, we have a party vote in the affirmative on this.

ACTING PRESIDENT RATH: There will be a party vote in the affirmative. There was a reported vote of yeas and nays, and so the recorded vote -

SENATOR GOLD: A party vote is requested.

ACTING PRESIDENT RATH: -- the party vote is inappropriate.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Bruno.

SENATOR GOLD: Party vote in the affirmative, yes. Is there a party vote in the negative?

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT RATH: Okay. The Clerk then will record the party vote. Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 20, nays 36, party vote in the negative.

SENATOR GOLD: A point of inquiry of the Chair.

ACTING PRESIDENT RATH: The amendment is defeated.

SENATOR GOLD: Yes. Madam President, is it possible under our rules to record that party vote in a non-partisan way?

ACTING PRESIDENT RATH: Oh, it was.

Senator Paterson.

SENATOR PATERSON: Madam President, I have an amendment at the desk which amends Section 57 of the Legislative Law, lines 10 through 14. I would waive its reading and I would just like to discuss it at this time.

ACTING PRESIDENT RATH: On the amendment, Senator Paterson.

SENATOR PATERSON: Madam President, because we do proceed here through our conferences and because we do have a Minority and a Majority Conference, irrespective of the nature of how we come to that, it is the regular practice here, and what we are suggesting in this amendment to what is ground breaking legislation that's being proposed on a number of points today is the issue of the representation of the Minority parties, the Minority Conferences in the Senate and in the Assembly in consensus forecasting and in conference activities and certainly in our conference procedures after March 10th.

If by March 10th the Executive Budget is not passed, it would then be the designation of the Speaker and of the Majority Leader of the Senate that we would have these conferences which would be open and in which there would be an attempt to negotiate the budget.

What we are proposing in this amendment is to have representation of the Minority Parties -- the Minority Conferences in these proceedings and that they be proportional to the number of legislators who are in the Minority Conferences.

It has been certainly the procedure here that the Majority has conducted the negotiations in the budget processes. There have been times that the Minority parties have actually been excluded from the negotiations, itself. Perhaps that is one of the practices that needs to be changed. Perhaps that is contributing to the budgets that now run as late as 67, 68 days. What we are suggesting is that nearly 300,000 people have elected Senators and nearly 140,000 people elect Assembly members and that those members deserve to be part of the negotiation.

Now, the reason that we have committees and the reason that we have conferences is to truncate the negotiating process. We don't need to have 61 Senators and

150 Assembly members in the room at all times, but in trying to take shortcuts we have probably elongated the process by not having a representative inclusion of all of the conferences and, really, all of the different voices that make up the composition of our Senate and our Assembly in the legislative process, and so what we are asking for in this amendment is for us to be mindful of the fact that because we have a divergence of party now representing us in the conference procedures, due to the fact that the Republicans control the Senate and the Democrats control the Assembly, we now are in the unique position of having somewhat, to a degree, of representation.

However, what if one party controlled both of the houses? Then there would really be no independence. There would really be no opportunity for any of the voices to be heard, and so for that and just the fact that it is good government, I submit this amendment to Section 57 of the Legislative Law, lines 10 through 14.

ACTING PRESIDENT RATH: Thank you, Senator Paterson.

The question is on the amendment. All those in favor say aye.

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT RATH: Party vote in the -

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 20, nays 36, party vote in the negative.

ACTING PRESIDENT RATH: The amendment is defeated.

The Clerk will read -- read the last section.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Gold, why do you rise?

SENATOR GOLD: On the bill.

ACTING PRESIDENT RATH: On the bill.

SENATOR GOLD: Madam President, there are problems with the bill. There certainly is no problem with Senator Bruno wanting to reform the system but, for example, in this bill an austerity budget kicks in without even a vote of the Legislature, but what I do have a problem with -- and I hope the press understands this. You know, I always thought that if people got to the high position in life where they could work for the media and report to the public -- most of them studied English in college and majored in it perhaps, so they understand words, and I suggest that it would be really very decent of a very decent press corps, if they reported the words that were said today by our Majority Leader as well as the actions taken, because then you see that the words are right but the actions mean nothing. It means nothing.

There is really no desire on the part of this Republican Majority to find a

consensus. There is no desire on the part of this Republican Majority to reach agreements and compromise, and last year when we couldn't bring in a budget on time for a Republican Governor and all the finger pointing went on, you see what happens. If you want a consensus, it's not a consensus that says, "We will vote your way." It's not a consensus that says, "This is it and do it my way." It's a consensus that says, "You have an idea. I have an idea. I ran as a Democrat. You ran as a Republican, but we came up here to do the people's business. Why don't we listen and talk to each other?"

Senator Bruno, I listened to you when you talked to us but when we talk, you do not listen, and the people suffer.

I thought it was interesting earlier this year when you and Speaker Silver made quite a to-do over opening up the books of the Legislature. You didn't make that to-do and walk over here and shake the hands of Rick Dollinger and shake the hands of Franz Leichter and say, "Guys, together with Suzi Oppenheimer

and some others, you have been fighting for this for years and you guys were right; we were wrong and we're going to do it," but it was with a big hoopla, "We're opening up the books," and I said to myself, Sometimes -- sometimes this place is even crazier than most of us know it is. You're taking money from the taxpayers and go to hold a press conference to say, "Thank you for your money but after all of these years, we're finally going to tell you what we do with it." Fantastic!

Senator, I'm for budget reform. We have been for budget reform for years, but do me a favor. You are the Majority and right now you've got 31 votes plus a couple or two or three or whatever, and you control the house. So if you want to put out your bill and do it, do it, but don't make a speech that says you're interested in listening to anyone because your gentlemen and one lady listen to nobody. You don't care what Assemblyman Silver says other than you want to know so you can give some kind of answer to it, not to reach a consensus, and

you come out here and you talk about non partisan, bipartisan, and those are nonsense words. Your party doesn't know what that means because the fact of the matter is that you come out here and the minute it's on the floor, the minute it's got somebody's name on it, that's it. Well, I shouldn't exactly say that. If you put out a Democratic bill and you want an amendment, you'll hold that bill until that amendment comes out, but your bills, my God, what a bunch of geniuses. Whatever you put out can't be amended, can't be improved in any way, and then -- which is okay. If that's the way you want to run it, run it, but don't add insult to injury by claiming that you come to this floor in good faith and in a bipartisan, non-partisan effort to change the budget process.

The hearings yesterday, we heard from the tax commissioner. We heard from Ambassador Commissioner Gargano, and one of the things we pointed out was that in 1975, we started with a personal income tax rate around

16 percent, plus or minus, that by the time the Carey years were over, we were down to about ten percent. By the time the Cuomo years were over, we're down to pretty much where we are now, and that this big tax cut of last year when you take a look at where we come from and where we are, was really de minimus.

Having said all of that, of course, I would like to remind you of something. Who are you saving the taxpayers from but yourselves, because there was a Democratic -- excuse me -- a Republican Majority in this house that brought the personal income tax rates up to some 16 percent. You gentlemen controlled every year since 1966. You controlled and voted for and passed every budget. As a matter of fact, in '66-67, you even had a Republican Governor and you weren't screaming for budget reforms. As a matter of fact, with Governor Carey and with Governor Cuomo, you weren't screaming for budget reforms, and I don't remember seeing the Bruno bills for constitutional amendments and the Bruno bills

for laws to explain the constitutional amendments. I don't remember seeing those, and if they were there and you show them to me, I'll say, "Senator, you're right. They were there," but I don't remember.

I do remember a lot of criticism in the last five, six, ten years coming from your side of the aisle to a guy named Leichter and people like Oppenheimer and Dollinger -- I don't want to offend anybody on this side - Stachowski, a lot of criticism from your side. "We're wasting time with those proposals. We won't adopt those proposals," until such time as you put your own name on a piece of paper, and then if there's anything else that can improve it, you won't listen to that either.

So, Senator Bruno, I can't speak for anybody else and maybe some people will vote yes because, what the heck, some of these are good and maybe it's an improvement. Some of them are going to vote no. I'm going to vote no because I just don't want to be part of this nonsense, part of this sham.

You want to change this system, Senator Bruno, I'll shake hands with you, I'll sit down with you, I'll work with you and Senator Stafford who does a wonderful job, a hard-working job. You people ought to really appreciate what that man does sitting ten hours a day listening to commissioners and the public. He does a terrific job. I'll sit down with Senator Stafford, Senator Connor, Senator Paterson, be glad to sit down with you, Senator Bruno and Senator Skelos. We'll sit down with each other and say, "You know,we've got a terrific deal here. Let's fix up the system," but don't lecture me on non-partisan, bipartisan and all of that junk and then cast party votes without even a discussion, without even saying, "Well, Senator Nanula, you're on the right track. Would you take this little amendment and then we'll do your amendment." You don't say to Senator Paterson, "That's a terrific idea but, you know, let's take a look. Maybe with adjustments we could do the Majority plus one or whatever." Nothing, because you don't want to

hear.

You come here and you say, "I want to hear Assemblyman Silver," and I asked you point blank, "Do you want to hear from us too?" "Of course, I want to hear," but you don't hear and, Senator, there was something I learned about in school called the looking glass self, and I'm ready to respect you, Senator Bruno, and I do respect you, but I'd like to get that looking glass self-respect back again from you, and when you come here with a piece of legislation that is negotiated where we can have an input into this process also and you will not close your ears to all that is being said that has merit, then we'll listen to your proposal.

ACTING PRESIDENT RATH: Senator Abate.

SENATOR ABATE: Yes. I would like to be heard on the bill.

What I believe is being offered today are some modest changes and the changes certainly do not go far enough, and if we're actually going to look at substantive reform, we

should look at reform that produces not only a timely budget but a budget that each of us as legislators know is in the budget, that we're fully informed and that we could support a process that we can go back to our constituents and say, "We passed a bill -- we passed a budget, that we understood the impact of that budget. We understood the implications of that budget, and we actually were informed about the details of that budget."

I have a grim reminder of what occurred last year, and maybe because I was a newly-elected state Senator I was a little bit naive, but I remember late at night receiving the budget package, not knowing what was inside, a stack of papers, maybe two or three feet deep, and we were asked as elected officials to represent our constituents even though we had no knowledge as to the evolution of that budget. We knew that the changes were made by the leaders, but we as individual legislators had to rely on hearsay because we did not have the opportunity to read the document, to be

informed, to have extensive conferences on that document, and until I see real reform around that issue so that I can stand here and go home as a legislator and say to my constituents, "I knew what I voted on. I was fully informed and I took responsibility for my actions."

I was concerned last year and I think that's going to happen this year. In these Article VII bills are contained not just budget proposals but bills that have dramatic policy implications. Last year, in the middle of the night, we passed a sentencing reform bill, and we asked questions. It was 11:00 o'clock, 11:30 at night. We wanted to know what the fiscal impact was on the sentencing reform bills. We didn't have that information at hand.

That's just one example why we need to change this -- the budget process, so that we have integrity, we have some knowledge and each individual legislator is held accountable for these actions.

So I cannot support this

legislation. It does not go far enough. We need to produce real reform and, until we do that, this is cosmetic and it might produce a timely budget. It might put some more pressure -- because no one wants us to go to a budget that is 90 percent of last year. That doesn't produce any kind of real reform.

My concern is let's sit down if we really want a bipartisan effort. Let's form over a short period of time a conference committee of Democrats and Republicans in this chamber. Forget about the other chamber for the moment.

Let's talk about some of these issues and maybe some of the Democratic ideas that also produce reform. Let's talk about this issue. I call upon Senator Bruno to table this bill, so we can have fuller discussion, so next year we can say we've actually achieved reform, not a Band-Aid solution that looks like reform, and that we go back to our constituencies more frustrated, less informed than the year before.

I hope this is an opportunity,

not just to end the discussion, but that we can really come together and produce a better result, so 20 years from now we can look back on this session, and say we did something that changed the way we did business in Albany.

This is a business as usual bill. It doesn't go far enough. I cannot support it.

ACTING PRESIDENT RATH: The clerk will read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 59 are Senators Abate, Babbush, Connor, Dollinger, Gold, Kruger, Leichter, Markowitz, Montgomery, Nanula, Onorato, Paterson, Santiago, Smith and Waldon. Ayes 41, nays 15.

ACTING PRESIDENT RATH: The bill is passed.

The Clerk will read.

THE SECRETARY: Calendar Number 58, by Senator Bruno, Senate Print 5597-A, concurrent resolution of the Senate and Assembly proposing amendments to Article III of the Constitution.

SENATOR GOLD: Explanation, please.

ACTING PRESIDENT RATH: An explanation has been called for.

Senator Bruno.

SENATOR BRUNO: Madam President, we have already talked about much of what is in this constitutional amendment. This is a resolution, a constitutional amendment different from the legislation that we have just approved in this house, and this sets forth the process to improve the budget in a constitutional reform method, and the obvious reason is so that once this is in place, it would be difficult to change by some future Legislature without changing the Constitution, and it -- as I said earlier, it represents a package. This is part of the package.

It moves the submission date by the Governor to the Legislature of the budget to December 1st from the January date that presently exists. It consolidates the budget appropriation bills to seven bills with ten Article 7s as part of the implementing legislation. It mandates that if we don't have a budget in place by April 1st, then 90 percent of the previous budget becomes the budget of the state. It requires a two-thirds majority to increase taxes over 50 million, two-thirds majority. It requires that the consensus forecasting be put in place, pretty much along the lines that I outlined, that the process start in December and conclude some time by the middle of November. It eliminates the ability of the Legislature to do emergency appropriation bills which would be unnecessary if we have already an austerity budget, and it extends the amendment period by the Governor from 30 days to 45 days as part of the process.

Now, that is in the constitutional amendment in a resolution form

that is presently before us. This, coupled with the bill that we passed, would represent the budget reform package that we establish as openers in the process of reforming the budget.

Madam President, I would just like to comment that in some of the comments made by my colleagues, while well-intentioned, they are very, very disheartening because when you talk about our speaking -- speaking rhetorically, well-intentioned, politicizing the process, not well-founded, Madam President, I believe I didn't call for a party vote. For the record, you called for a party vote on that part of the aisle, and I referred to the criticism that this was a party vote. We didn't ask for a party vote; you asked for a party vote.

I also want to just, for the record, establish that what we are debating today has been on the floor of this Senate for three weeks. So, Madam President, when we hear the political rhetoric in this chamber that if we wanted to be open, if we want to receive comments, then we would listen to the amendments

that surprise us today, conforming within minutes of the requirements of this chamber, surprising us rather than three weeks ago when this legislation was on the floor, well intentioned legislators would say "We have some input. We have some amendments. We would like to engage you in some conversation," as the Speaker's Ways and Means Committee has done. They reached out to engage us in discussion.

None of that in this house, Madam President. The election by the Minority has been to debate something that everyone recognizes needs to be done totally, totally politicizing in that we won't listen. Well, we put this on the floor three weeks ago welcoming any input. Hearing none, any normal, common sense person would feel that there were no amendments, no suggestions, no discussion.

So I really, Madam President, think that we all ought to recognize here in this chamber that politicizing this serves no public purpose. It's not our intent. That's why these bills and this resolution have been on

the floor for three weeks, hoping that if you want to engage, you would engage, rather than get into a political debate as to who did what to whom, who gets the credit. That is really unfortunate. The process we're trying to change is too important to the people of this state.

Now, is this the last word? No, this is not the last word. Will there be further debate and discussion? Certainly, and we welcome that. The amendments that have been proposed, had they been suggested or recommended two weeks ago, ten days ago, a week ago, we would have taken as part of the discussion to the floor today, and again the Assembly has reached out. We are talking with them, listening to them, and I believe that we will get a consensus with them and we will have a resolution in a bill that will be back on this bill.

What I say, I say with the best of intentions, good nature, because I see the Senate Minority Leader on his feet, and I can only make the judgment that he now feels like we

must be engaged, and I hope it is in a very positive way.

Thank you.

ACTING PRESIDENT RATH: Senator Paterson, why do you rise?

SENATOR PATERSON: Out of pride, Madam President.

ACTING PRESIDENT RATH: Senator, one of your colleagues had indicated a desire to speak. Do you ask if the colleague on this side will -- two, in fact.

SENATOR PATERSON: I wanted to know if my colleague would allow me to ask Senator Bruno to yield for a question.

ACTING PRESIDENT RATH: Senator Oppenheimer, do you yield?

SENATOR OPPENHEIMER: Oh, I didn't know I had the floor. Most certainly.

ACTING PRESIDENT RATH: Thank you, Senator.

Senator Bruno.

SENATOR BRUNO: Yes, Madam President.

SENATOR PATERSON: Senator Bruno, it was my interpretation that this is the process in order to suggest some changes that we wanted to make a record of so that the public would know that we have some suggestions with respect to the participation of Minority parties, with respect to how we view the austerity budget, with respect to a few other amendments that we would like to -- to make to this procedure, and we thought that this would be an apt forum to raise them.

There has been an ongoing discussion about a lot of these issues for a number of years, and we appreciate the legislation that was on the floor, as you said, three weeks ago, and I don't see any partisan nature to it other than the fact that we're aligned with each other in some respect, based on the substance of the legislation.

So, putting all of that aside, we're just saying right now that we have some amendments that we think would be helpful. This is a democracy and if they're not helpful, we

would vote them down, but one of the -- the tremendous aspects of government and one that certainly is embodied in this chamber is not only the opportunity to disagree but to record it, so that there is an opportunity for review through the public, through the media who is examining the process today. So I don't see any partisan nature to any of this.

We have heard your offer for greater participation when legislation comes forward. We'll make use of your graciousness and we'll contact you to talk about it, but we saw this chamber, this proceeding today as an opportunity to state our point of view for the record. That's not a question.

ACTING PRESIDENT RATH: Did you have a question, Senator Paterson?

SENATOR GOLD: Don't you think so?

(Laughter)

ACTING PRESIDENT RATH: Senator Oppenheimer.

SENATOR OPPENHEIMER: Well, in

the same good humor, Senator Bruno, I would have to say that we don't suffer from Alzheimer's disease on this side of the aisle and we have not seen overwhelming enthusiasm for suggestions that we have made, but we do understand that you are an open person and we do want to take you up on your -- the opportunity you offered to make suggestions prior to coming to the floor, and it is something that I've often thought was handled much better in the Assembly, where in the Assembly there is a good deal more participation in the drafting of legislation.

I do have two questions I would like to ask Senator Bruno, if you would respond, Senator Bruno, a -- Madam President.

SENATOR BRUNO: Yes.

ACTING PRESIDENT RATH: Senator Bruno yields.

SENATOR BRUNO: Yes.

SENATOR OPPENHEIMER: Now, the bill specifies the number of appropriation bills which the Governor can submit, and why is there a specific number that will go into this

constitutional amendment?

SENATOR BRUNO: Well, Senator, in the process for reform, you'll recollect that we are, if we don't come to an agreement on a budget by March 10th, calling for conference committees to be established. The seven appropriation bills relate to being able to control the process for conference committees so that you would have then seven conference committees publicly debating the budget. This past year we had 90-some total bills, and that would have been an unwieldy process. Conference committees would not work. So that's what we've had in mind, consolidating the process, make it more reasonable.

SENATOR OPPENHEIMER: That sounds very realistic and having been on the only conference committee that we ever had so far, I think that's a welcome direction.

The other question I have concerns an austerity budget rather than the emergency appropriations which is being viewed, I know by you, as very beneficial. However, I'm

not sure that that will be -- if the Senator will yield for another question.

ACTING PRESIDENT RATH: Senator, will you yield? Yes.

SENATOR BRUNO: Madam Presi dent -

ACTING PRESIDENT RATH: The Senator yields.

SENATOR OPPENHEIMER: I'm not certain that this will be an incentive to come to an agreement because some people in this chamber might very much welcome a budget that is 90 percent reduced, and I feel we might be -- we would be penalizing the citizens of this state, getting 90 percent where they expect 100 percent, and, in effect, the will of -- who knows, maybe the Majority would welcome that 90 percent cut. What is your feeling?

SENATOR BRUNO: Senator, I can understand how that might be, you know, a thought process, but that's not the intent here, I don't believe, of any of my colleagues. What we are trying to avoid by putting a budget in

place is some of what has gone on in the past. When we are forced to pick and choose which emergency appropriations we will pass and then try to get them passed in both houses and by the Governor, that gets very unwieldy, very uncertain, jeopardizes a lot of the aid that people expect, the revenue-sharing, school aid, Medicaid payments, welfare payments, you name it. The process, as we experience it now, just doesn't seem fair to the public.

So the real intent of this is to do away with all of that and put one vehicle in place and that's a budget, and the 90 percent really relates to an incentive to reconcile our differences and go on to do a budget based on the real world, revenues matching expenditures for the current year, but that's the intent.

SENATOR OPPENHEIMER: If you would yield to one more question.

ACTING PRESIDENT RATH: Senator Bruno, will you yield?

SENATOR BRUNO: Yes.

SENATOR OPPENHEIMER: This

prompts another question, and the question it prompts is would this not be achieved with saying that the appropriations in the new budget would be 100 percent of the old budget?

SENATOR BRUNO: The problem with that might be, Senator -- and again, I can understand, that's a reasonable question, but if the revenue of the state might be 95 percent of what it was in the previous year, you would then have an unconstitutional budget because it would be unbalanced.

SENATOR OPPENHEIMER: Pardon me. I did not mean to laugh. We have been living with that for how many years? We have had a structurally imbalanced budget now for about maybe, what, 14 years? We are all managing to live but -

SENATOR BRUNO: But, Senator, in answering that question, the day we pass the budget it's supposed to be structurally balanced. The day after it might no longer be balanced but, constitutionally, we pass a balanced budget on the day that we act.

SENATOR OPPENHEIMER: Thank you very much, Senator.

ACTING PRESIDENT RATH: You wish to speak on the bill, Senator Dollinger? Senator Dollinger, do you -

SENATOR DOLLINGER: I'll waive my spot on the floor to Senator Onorato.

ACTING PRESIDENT RATH: Your spot to Senator Onorato.

Senator Onorato.

SENATOR ONORATO: Senator Bruno, would you yield while the subject matter is still fresh?

SENATOR BRUNO: Yes.

SENATOR ONORATO: I would like a little bit of clarification on the appropriation of 90 percent in the event that an agreement is not reached. Is there a time frame as to how long the 90 percent remains in effect? I mean, is it hypothetically possible for the 90 percent to remain in effect for the entire calendar year or not? Is there any other time restraint to bring forth a really -- a budget?

SENATOR BRUNO: Until the new budget is passed. If a new budget is not passed for a full year, then you would have lived with 90 percent of the previous budget for that full year.

SENATOR ONORATO: Thank you.

ACTING PRESIDENT RATH: Are there any other questions?

Senator Dollinger.

SENATOR DOLLINGER: Madam President, will the Majority Leader yield to a couple of questions?

ACTING PRESIDENT RATH: Senator Bruno, Senator Dollinger has requested that you would yield to a couple of questions. Do you yield, Senator Bruno?

SENATOR BRUNO: Yes, Madam President.

ACTING PRESIDENT RATH: Yes.

SENATOR DOLLINGER: Just to complete the point that Senator Onorato made about the 90 percent requirements, so I understand it, it would continue until the

Legislature passes a budget and the budget is signed by the Governor?

SENATOR BRUNO: Yes. It becomes the new law of the land. If we don't have a budget that becomes the law of the land, then the austerity budget would be the budget in place and operative.

SENATOR DOLLINGER: Well, my question to you, Senator, is, doesn't that intrude on the legislative prerogative if the Governor of this state can veto a budget and produce 90 percent less spending every single year? Aren't we giving our power to control the purse which we share with him over to him exclusively?

SENATOR BRUNO: Well, Senator, I would think that would be a matter of opinion. My opinion would be that it doesn't in any way affect the power of this Legislature to negotiate a budget and put a budget in place and go forward with that budget.

SENATOR DOLLINGER: But theoretically -- again through you, Madam

President. Theoretically, the Governor could veto the budget and thwart the will of the Majority of both houses of this Legislature to control the financial plan of this state; isn't that correct?

SENATOR BRUNO: The Governor can only veto what we add -- line item veto what we add. He can't veto the entire budget.

SENATOR DOLLINGER: Okay. I guess I'll have to think about that a little bit more.

One other question, Madam President, if I could. I appreciate the Majority Leader's openness to amendments and the discussion, the dialogue, but in my brief tenure in this chamber, I guess I'm struck by how that seems to be absent, as a matter of fact, and I know you have a much longer history in this chamber than I but, just for the record, could you tell me historically when the last time an amendment to a bill was proposed in this chamber and accepted and approved, or an amendment was actually made in committee and approved and

accepted on a bill? Maybe just tell me historically when the last time that happened was.

ACTING PRESIDENT RATH: Is that a question to Senator Bruno?

SENATOR DOLLINGER: That is, Madam President.

SENATOR BRUNO: Madam President, if I understand the question correctly, when was the last time that an amendment passed in this house that was put on the floor while a bill was on the floor?

SENATOR DOLLINGER: Yes, when a bill was on the floor.

SENATOR BRUNO: I can't remember if my lifetime, Senator.

SENATOR DOLLINGER: I guess - Madam President. Was there any time in committee, Senator, that you can remember having a committee that an amendment proposed was actually accepted and put on the bill in committee?

SENATOR BRUNO: Madam President,

I can't recollect specifically, but I'm told by my colleagues who are very learned, and Senator Smith is nodding her head yes, the answer to that is yes, that happens quite frequently in the history of this Senate.

SENATOR DOLLINGER: Okay. I appreciate that, and that, I guess, adds to my sense that maybe we're experiencing a breath of fresh air here about changes in this chamber and how it operates and maybe the notion that amendments made on the floor would have the same vitality as an amendment made in committee. After all, some of us are not members of the select committees that may deal with bills and an idea may occur to us after the bill has come out of committee and certainly it would seem to me that the floor is the appropriate place to make that.

I just note that I had a discussion with Senator Leichter earlier today and he talked about the phenomenon in Massachusetts. They have what is called "the can", which is a little box that they have at

the front of their chamber in the Massachusetts Senate in which any member can take an amendment to any bill and go up and deposit it in the can and ensure that there's a debate on that bill, and it seems to me that that kind of amendment process would produce a better product.

I hope that the openness that we've talked about in amending bills will continue because I know I, at least, have a couple of amendments I would like to propose at some point on this particular resolution. I'll wait for my opportunity to do that, but I welcome that sense that we are going to work together to get a better product for the people of this state. I think that's a good thing.

ACTING PRESIDENT RATH: Senator Stachowski.

SENATOR STACHOWSKI: Madam President, I rise to offer an amendment that I believe is at the desk.

ACTING PRESIDENT RATH: Is there an amendment at the desk? Yes, there is an amendment at the desk.

SENATOR STACHOWSKI: I would ask that we waive -

ACTING PRESIDENT RATH: Senator Bruno, why do you rise?

SENATOR BRUNO: Madam President, I must object to the amendment that is being presented. It's my understanding that there's a resolution on the floor before us.

ACTING PRESIDENT RATH: That's correct.

SENATOR BRUNO: And that a resolution cannot be amended on the floor without unanimous consent, and under these circumstances that unanimous consent is not granted.

ACTING PRESIDENT RATH: The ruling of the Chair is that under Rule Number VI, Section 9 (c) of the rules of the New York State Senate, this amendment is out of order.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: Might I just -

I'm sorry, David. I yield to Senator Paterson.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: Madam President, I would like you to know and all of the members to know that Senator Bruno is 100 percent right, because under Article VI, Section 9 -- you know, as a matter of fact, I knew that and I -- I was going to actually hand it to him, and I'm glad that the staff was able to tell him that before I got over there because he is absolutely right, and so what would be more - procedure is we would like unanimous consent to allow Senator Stachowski to offer his motion.

ACTING PRESIDENT RATH: Senator Bruno has objected.

SENATOR PATERSON: Well, he objected because he wanted us to know the rule. Now that we know the rule, I'm asking for his consent.

ACTING PRESIDENT RATH: Senator Paterson, the rule is the amendment is out of order.

SENATOR BRUNO: With that under standing -

ACTING PRESIDENT RATH: I'm sorry. Senator Bruno.

SENATOR BRUNO: Madam President, I believe that we made a statement, and I would expect that the Chair might rule whether or not anything is before us on the floor.

ACTING PRESIDENT RATH: Yes. Senator Bruno, I ruled that the amendment was out of order according to the rules of the New York State Senate.

The amendment is out of order.

Senator Paterson.

SENATOR PATERSON: Madam President, the amendment is out of order if we don't receive unanimous consent. For you to make the ruling, you have to acknowledge the objection. The reason that I'm rising is because this is something that -- we have a few amendments here. They won't take long to present. We could actually accomplish the same thing by discussing the bill, but we want to use

the amendment process so that all of the members of the chamber can see how we would fashion the bill. It's a procedure that's used very often in this -- in this chamber and we wanted to do it that way, and we're just asking for a little cooperation.

At 3:00 o'clock today -- Senator Bruno has commanded us all to be in this chamber at 3:00 o'clock. At 3:00 o'clock, there were only 18 members in the chamber. I gave consent to allow the session to start on time, and there are many times that we have given consent to things that may have been a little bit around the rules, but it's not the rule as much as the policy and the spirit of the rule, and so I would ask, Madam President, that you reconsider your ruling based on whether or not there really is an objection because after this, if I say so myself, rather poignant discussion that I have offered, I don't think there will be any objection.

ACTING PRESIDENT RATH: Senator Paterson, the rule is that the amendment is out

of order and Senator Bruno has objected to that, and barring some other rule that would be developed over a long period of time, that is how it is at this moment. Is there an objection beyond -

SENATOR DOLLINGER: Madam President, just a point of order. Can I find out which rule it is?

ACTING PRESIDENT RATH: It's Rule VI, Section 9 (c) of the rules of the New York State Senate.

SENATOR DOLLINGER: Thank you.

SENATOR PATERSON: Madam President, I'll accept the ruling of the Chair, but I accept it with the understanding that I was here the first day of session when the Governor gave his State of the State message. There was a spirit of cooperation in the air. Both the Minority Leader and the Majority Leader spoke about that cooperation. I don't see any reason to have any contentiousness on an issue that's just going to take a few minutes to offer some amendments. It's not something that's out

of -- it may be out of order according to the rules, but it's something that's really just an opportunity to allow for some of the Senators who have prepared amendments, who have ideas, to express them, and if that's going to be the ruling, Madam Chair, then I will take that under advisement and leave it at that.

ACTING PRESIDENT RATH: Senator Paterson, the ruling is that -

SENATOR BRUNO: Madam President -

ACTING PRESIDENT RATH: Senator Bruno, yes.

SENATOR BRUNO: -- may I be recognized? I am moved by the arguments of Senator Paterson. He is so convincing in his deliberation, in his enunciation and his elocution, that I believe that we would grant at this time unanimous consent, and I would like to state that publicly and for the record so that we can move the process forward, hear these very, very worthwhile amendments to this resolution that is before us, and we do that in

all good humor and good nature in reference to the attitude that Senator Paterson continually demonstrates by being in this chamber, being on time, deliberating as he does, unlike some of his colleagues.

So, thank you, Mr. President.

ACTING PRESIDENT RATH: Senator Stachowski, your amendment is before this house.

SENATOR STACHOWSKI: I move that we waive the reading of the amendment and I'll explain it, and I would like to thank Senator Bruno for withdrawing his objection because I was really starting to get hurt by him, because it was bad enough this summer when he gave me some losing horses this summer, but then to object to my amendment which is probably the second one I've ever done here in 14 years, I was just flabbergasted.

But anyway, to get on with the amendment, it amends a section on page 2, in line 9 that would add it to the part that calls for a super Majority vote. Any actions that we

would do here that would require -- result in local governments having to raise their property taxes in order to maintain the local services at their current level -- and the reason I want to do this amendment is because the biggest complaint by businesses is that people in the state of New York and people that talk about why they don't want to put their business in or why they want to move their business out is that New York State is so highly taxed, and the fact of the matter is that the state taxes are only 22nd in the nation, but the real property tax is the highest by a lot in the entire United States; and so that if we do an amendment that changes the process and leave out an area where we could have an effect on the constantly rising real property taxes, then I don't think we're really doing a good job here. We miss an opportunity.

The fact is that it's a burden to all the businesses. It's a terrible burden to the people that live there. It's an extreme burden to the senior citizens, and I just think this this amendment makes sense. It would be an

opportunity that we shouldn't risk missing, and so with that, I move the amendment.

ACTING PRESIDENT RATH: The question is on the amendment. All in favor aye.

(Response of "Aye".)

Opposed?

There's been a -- is there a request for a party vote from the Minority?

SENATOR PATERSON: Yes, Madam President.

ACTING PRESIDENT RATH: There is a request for a party vote from the Minority.

SENATOR GOLD: Senator Paterson.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: Madam President, I want to withdraw the party vote.

ACTING PRESIDENT RATH: The request has been to withdraw the party vote. All those in favor.

(Response of "Aye".)

Opposed?

(Response of "Nay".)

The amendment is defeated.

SENATOR PATERSON: No.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: I'm sure we won that amendment.

ACTING PRESIDENT RATH: Senator Paterson, why do you rise?

SENATOR PATERSON: I'm pushing my luck, Madam President.

(Laughter.)

ACTING PRESIDENT RATH: Senator Dollinger.

SENATOR DOLLINGER: Madam President, I have also an amendment at the desk. I'll be very brief on it. I'd waive its reading and ask that I be heard on it.

ACTING PRESIDENT RATH: Senator Dollinger on the amendment. Senator Dollinger on the amendment.

SENATOR DOLLINGER: On the amendment. This is a simple amendment. This

is -

SENATOR VELELLA: Does this one also require unanimous consent?

SENATOR GOLD: It does.

SENATOR VELELLA: Can I have a second to think about that? Okay.

ACTING PRESIDENT RATH: Thank you for the wisdom, Senator Velella.

Senator Dollinger.

SENATOR DOLLINGER: Senator Velella and I have met on the amendment battle field before. I will be very brief.

ACTING PRESIDENT RATH: One moment, Senator Dollinger.

Senator Skelos, why do you rise?

SENATOR SKELOS: We're granting unanimous consent on this amendment, but just to remind the members, this unanimous consent is to amend the resolution that amends the Constitution, not a normal type resolution.

ACTING PRESIDENT RATH: Thank you, Senator Skelos. Yes, that's a good reminder.

On the amendment.

SENATOR DOLLINGER: On the amendment. This is -- Senator Skelos, the Deputy Majority Leader is absolutely correct. This is an amendment to the resolution to change the proposed constitutional amendment that would require approval by this house on two consecutive sessions in order to be put on the ballot in 1997.

My amendment is very simple. It has an ally downstairs on the second floor. Governor Pataki sent an Article 7 bill to this house in his budget in which he asked that the Legislature enact a balanced budget. The current Constitution simply -- and the proposal in this amendment is simply that there be a balanced budget sent by the Governor to the Legislature.

There is no command in the Constitution that requires the Legislature to balance the budget and make sure that its revenues and its expenses are balanced. This amendment would do that. It would create a

balanced budget. It would require the Legislature to pass a budget that is fully in balance. I believe it would bring the kind of fiscal discipline that the Majority Leader has talked about. The Temporary President has talked about it. This would be the final touch. It would make sure that there's a balanced budget that is passed by this Legislature.

I strongly urge its adoption.

ACTING PRESIDENT RATH: The question is on the amendment. All those in favor, aye.

(Response of "Aye".)

Opposed?

(Response of "Nay".)

SENATOR PATERSON: Party vote, Madam President.

ACTING PRESIDENT RATH: It's been defeated.

Senator Paterson, why do you rise?

SENATOR PATERSON: We're

requesting a party vote on this.

ACTING PRESIDENT RATH: There has been a request for a party vote.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 20, nays 36, party vote in the negative.

ACTING PRESIDENT RATH: The amendment is defeated.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: I would ask unanimous consent of everyone, including Senator Velella -- yeah, I don't want you to think about it -- to offer an amendment and waive its reading and ask for a moment to explain it.

ACTING PRESIDENT RATH: Senator Gold on the amendment. Unanimous consent has been agreed to.

SENATOR GOLD: Madam President, the amendment that I'm offering would take out of the bill the ban on continuing resolutions, and I would make just a couple of quick comments in response to Senator Bruno before I get into this.

Firstly, you know, in terms of the suggestion of a 90 percent -- I'm sorry - continuing resolution, I want the Majority in this house to understand that you are voting for continuation of 90 percent funding of unworthy programs. Just think about what I said. You're looking at it like you think you're going to cut 90 -- 10 percent or you're going to make cuts in programs that you think we like, but there are programs that you don't like and want to get rid of, and you're going to vote to continue the funding of those programs 90 percent when they probably should be taken out of a budget.

At any rate, my amendment talks about these continuing resolutions, and if there ever was a situation that showed the folly of that kind of a proposal, it's what just went on

in Washington.

Now, there's a group that everybody refers to these Republican freshman that are all full of this and vinegar and whatever, and they managed to convince some of their colleagues that there shouldn't be a continuing resolution, and lo and behold, what happened? We had chaos in this country and apparently the Republican Party took some polls and found out that it was blowing up in your face, and so they had to get those rather obstreperous young men and women to change their tune and, of course, now they understand what must be done.

Now, I will tell you I respect Senator Nanula but I absolutely disagree with him on this payroll business and taking the money. I came up here to work and my constituents said to me, "Manny, you keep fighting the budget until it's a good budget, and that's what I'm paying you for," and I took the money and I always will because I worked very hard for it, but the point is that no

matter how hard I work and Senator Stafford works -- Senator Stafford, I hope likes me. I certainly like him, but sometimes we don't agree, so you talk and you work, and you work it out, but the concept that while we're trying to work it out, the state should go kaflooey, is ridiculous.

Now Senator Bruno says, Well, you don't need that if you got a 90 percent austerity budget, and I'm telling that you 90 percent is ridiculous. You don't fund things aren't worth it; you end them, and the concept of a continuing resolution, in my opinion, is one way of wreaking havoc in this state and I would suggest we drop that from the bill.

ACTING PRESIDENT RATH: The vote is on -- vote is on the amendment. All those in favor, aye.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT RATH: Party

vote. Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 20, nays 36, party vote in the negative.

ACTING PRESIDENT RATH: The amendment has been defeated.

Senator Dollinger.

SENATOR DOLLINGER: Madam President, I ask unanimous consent to place an amendment before the house, ask to waive its reading and give me a brief opportunity to explain it.

SENATOR RATH: No objection.

SENATOR DOLLINGER: This too is a simple amendment. It is an amendment that incorporates a principle that I have fought for and some of them voted against last year, the so-called debt reform package, and in fact during the campaign and in November I campaigned against the debt reform because I don't believe that the passage of these acts and as it was presented to the voters, adequately represented the kinds of controls on excessive public debt

that we need in this state.

This amendment is very simple. It bans that back-door borrowing. I would point out that, if this amendment were passed into law by this Legislature and put into effect by the voters, $3.1 billion of new debt that we're going to incur this year without voter approval would not be a part of this budget.

It seems to me it's time we stood up and said we're going to ban back-door borrowing. We're really going to ban it. This budget would allow it only in very isolated emergency cases and we would begin to retreat from the kind of fiscal excess which everyone in this house has stood up and criticized in the time that I've been in it.

This budget amendment will do something about banning the kind of borrowing that we should not be engaged in and which all of us admit threatens the fiscal stability of this state.

I urge the adoption of this amendment.

ACTING PRESIDENT RATH: The vote is on the amendment. All those in favor aye.

(Response of "Aye.")

Opposed?

(Response of "Nay.")

The amendment has been defeated. Call the roll. This is a Constitutional Amendment resolution. Please call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

SENATOR GOLD: I'd like to explain my vote.

ACTING PRESIDENT RATH: Senator Gold to explain his vote.

SENATOR GOLD: Yes, Madam President.

It's clear that, whether this has been on the floor for three weeks, whether it went out of Finance to Rules, no matter whatever happened, that this can't possibly take effect under the best of circumstances until after the election of November '97. In order to do that, we obviously would have to pass this by the end

of this session.

But this doesn't deal with this year's budget. This deals with a process and part of the process ought to be negotiation and there's no reason why today we have to pass a Republican closed ear/closed eye version of what reform ought to be.

I think that the suggestions made by Senator Stachowski, Senator Dollinger and by others are worthy. I think Senator Paterson - Padavan hit it -- Paterson, I'm sorry, hit it right on the head when he said this is the forum for handling amendments. We don't have to have a bill on the floor and then go grovel to Senator Bruno or anybody else to consider it and hope that, if we're quiet enough in our suggestion, it will take effect and they'll hold a press conference.

I assume that, when they voted against the proposal today, they did it proudly hoping the public would know where they stand, or am I wrong?

At any rate, Madam President,

this is the forum. We did it properly and there's enough time to negotiate a proper bill whether it be with Assemblyman Silver or the Minority in this house or the Minority in the other house.

This proposal as it is is terrible. Is it in every word terrible? No. Is every word terrible? No. But when you put it all together you've got mush. I vote no.

SENATOR STACHOWSKI: Explain my vote.

Madam President, I rise to explain my vote. Although there's some good ideas in here, I think there's some problems and by the Majority Leader's own words the Assembly has reached out to discuss the issue. That leads me to believe that there's obviously going to be some changes before the the final version of this, the version that will go on to the next Legislature, being done, so I don't see a reason to support a bill that I know is flawed.

I have a fear about limiting it to a number as low as ten on budget bills

because I don't want to see a lot of budget bills that combine things like Quick Pick and tax cuts like last year when a lot of people who may not have supported Quick Pick ended up voting for it because they supported tax cuts, so that kind of fear, and maybe the kinds of exotic combinations with the limited number of budget bills is another area where I find a problem.

So that I think, since it is, from the Majority side's own comments, there is going to be negotiation with the Assembly and there's going to be changes, I don't see the rush to do this bill, and for that reason I can't support it.

I vote no.

ACTING PRESIDENT RATH: Announce the results.

Are you on your feet, Senator Skelos, to speak? Senator Skelos, are you on your feet -

SENATOR SKELOS: No, no, I'm just waiting.

ACTING PRESIDENT RATH: Senator Mendez.

SENATOR MENDEZ: Madam President, I rise in support of this bill. I do know very well that this is not going to be the final product. I do know very well that negotiations will have to keep on proceeding with the Assembly so that finally we will be able to get our -- to get done with the horrible budget problem under which we have been functioning at least throughout the entire 18 years in which I have been so fortunate to serve here.

I absolutely -- I have reached the point that I say anything but what we have would be -- because what we have is truly a disservice to all the constituents of both Republicans and Democrats, so I vote aye.

ACTING PRESIDENT RATH: The clerk will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 58 are Senators Abate, Babbush, Connor, Gold, Kruger, Leichter, Markowitz, Montgomery, Nanula, Onorato,

Paterson, Santiago, Smith, Stachowski and Waldon. Ayes 41, nays 15.

ACTING PRESIDENT RATH: The resolution is adopted.

Senator Skelos.

SENATOR STACHOWSKI: Madam President.

ACTING PRESIDENT RATH: Senator Stachowski.

SENATOR STACHOWSKI: Madam President, may I have unanimous consent to be recorded in the negative on Calendar 59?

SENATOR SKELOS: No objection.

ACTING PRESIDENT RATH: Without objection. Thank you.

Senator Skelos.

SENATOR SKELOS: Madam President, is there any further housekeeping at the desk?

ACTING PRESIDENT RATH: There is no housekeeping at the desk.

SENATOR SKELOS: Then I move the Senate stand adjourned until Wednesday, February 7th at 11:00 a.m. sharp.

ACTING PRESIDENT RATH: Without objection, the Senate stands adjourned until Wednesday, February 7th, at 11:00 a.m., sharp.

(Whereupon at 5:46 p.m., the Senate adjourned.)