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ALBANY, NEW YORK

April 9, 1997

10:10 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

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

2 ACTING PRESIDENT KUHL: The
3 Senate will come to order. Ask the members to
4 find their places, the staff to find their
5 places. Ask everybody in the chamber to rise
6 and join we in saying the Pledge of Allegiance
7 to the Flag.

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

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

12 (A moment of silence was
13 observed.)

14 The reading of the Journal.

15 THE SECRETARY: In Senate,
16 Tuesday, April 8th. The Senate met pursuant to
17 adjournment. The Journal of Monday, April 7th,
18 was read and approved. On motion, the Senate
19 adjourned.

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

23 Presentation of petitions.

24 Messages from the Assembly.

25 Messages from the Governor.

1 Reports of standing committees.

2 The Secretary will read.

3 THE SECRETARY: Senator Marchi,
4 from the Committee on Corporations, Authorities
5 and Commissions, offers up the following bills:

6 Senate Print 3646, by Senator
7 Leibell, an act to amend the Public Authorities
8 Law;

9 3674, by Senator Leibell, an act
10 to amend the Public Authorities Law, in relation
11 to the powers of the state of New York Mortgage
12 Agency;

13 3731, by Senator Leibell, an act
14 to amend Chapter 915 of the Laws of 1982.

15 All bills directly for third
16 reading.

17 ACTING PRESIDENT KUHL: Hearing
18 no objection, the bills are ordered directly to
19 third reading.

20 Reports of select committees.

21 Communications and reports from
22 state officers.

23 Motions and resolutions.

24 We have a couple substitutions,
25 Senator Skelos.

1 I'll ask the Secretary to read.

2 THE SECRETARY: Senator Lack
3 moves to discharge from the Committee on
4 Judiciary Assembly Bill Number 6487 and
5 substitute it for the identical Senate Bill
6 3581.

7 Senator Skelos moves to discharge
8 from the Committee on Education Assembly Bill
9 Number 339 and substitute it for the identical
10 Senate Bill 3209.

11 ACTING PRESIDENT KUHL: The
12 substitutions are ordered.

13 Senator Skelos, that brings us to
14 the calendar.

15 SENATOR SKELOS: Mr. President,
16 just for planning purposes, there will be a
17 meeting of the Higher Education Committee at
18 10:30 in the Majority Conference Room.

19 If we could take up the
20 controversial -- non-controversial calendar at
21 this time.

22 Mr. President, if we could just
23 stand at ease for a minute while we admire your
24 tie.

25 ACTING PRESIDENT KUHL: Thank

1 you, Senator Skelos.

2 (Whereupon, the Senate stood at
3 ease.)

4 SENATOR SKELOS: Mr. President.

5 ACTING PRESIDENT KUHL: Senator
6 Skelos.

7 SENATOR SKELOS: Take up the
8 non-controversial calendar.

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

12 THE SECRETARY: Calendar Number
13 307, by Senator Johnson, Senate Print 2584-A, an
14 act to amend the Family Court Act and the
15 Vehicle and Traffic Law, in relation to
16 suspension of eligibility for a license.

17 SENATOR SMITH: Lay it aside,
18 please.

19 ACTING PRESIDENT KUHL: Lay the
20 bill aside at the request of Senator Smith.

21 THE SECRETARY: Calendar Number
22 314, by Senator Meier, Senate Print 2573, an act
23 to amend the Education Law and the Public Health
24 Law, in relation to the licenses of members of
25 the United States Armed Forces.

1 SENATOR PATERSON: Lay it aside.

2 ACTING PRESIDENT KUHL: Lay the
3 bill aside.

4 THE SECRETARY: Calendar Number
5 354, by Senator Skelos, Senate Print 2484-A, an
6 act authorizing the assessor of the county of
7 Nassau to accept an application for exemption
8 from real property taxes.

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

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 33.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 411, by Senator Bruno -

21 SENATOR GOLD: Lay it aside.

22 THE SECRETARY: -- Senate Print
23 2-A, an act to amend the Tax Law and the Public
24 Service Law, in relation to a reduction in the
25 rate of tax.

1 ACTING PRESIDENT KUHL: Lay the
2 bill aside at the request of Senator Gold.

3 THE SECRETARY: Calendar Number
4 414, by Senator Padavan, Senate Print 3083, an
5 act to amend the State Finance Law, in relation
6 to contracts for architectural and engineering
7 services.

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

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

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 34.

16 ACTING PRESIDENT KUHL: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 423, by Senator Levy, Senate Print 1344, an act
20 to amend the Vehicle and Traffic Law, in
21 relation to a requirement to mandate full
22 resident addresses.

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

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 34.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 433, by Senator LaValle, Senate Print 3140, an
10 act to amend the Town Law, in relation to the
11 powers and duties of fire district
12 commissioners.

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

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

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 34.

21 ACTING PRESIDENT KUHL: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 483, by Senator Wright, Senate Print 3672, an
25 act to amend the Public Authorities Law, in

1 relation to allowing the town of Minetto to
2 contract.

3 ACTING PRESIDENT KUHL: There is
4 a home rule message at the desk. The Secretary
5 will lay the bill aside.

6 THE SECRETARY: Calendar Number
7 491, by Senator DeFrancisco, Senate Print 479-A,
8 an act to amend the Public Health Law, in
9 relation to the establishment or incorporation
10 of hospitals.

11 SENATOR PATERSON: Lay it aside.

12 ACTING PRESIDENT KUHL: Lay the
13 bill aside.

14 Senator Skelos, that completes
15 the reading of the non-controversial calendar.

16 SENATOR SKELOS: Mr. President,
17 if we could take up the controversial calendar
18 at this time.

19 ACTING PRESIDENT KUHL: The
20 Secretary will read the controversial calendar,
21 beginning with Calendar Number 307 on page 10.

22 THE SECRETARY: Calendar Number
23 307, by Senator Johnson, Senate Print 2584-A, an
24 act to amend the Family Court Act and the
25 Vehicle and Traffic Law, in relation to

1 suspension of eligibility for a license.

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

4 THE SECRETARY: Section 4. This
5 act shall take effect in 120 days.

6 SENATOR SMITH: I wanted an
7 explanation.

8 ACTING PRESIDENT KUHL: Senator
9 Johnson, Senator Smith has asked for an
10 explanation of Calendar Number 307.

11 SENATOR JOHNSON: Mr. President,
12 this bill addresses a gap in the law in which
13 there's really no penalty for a youngster under
14 16 caught driving without a license. He's -
15 cannot be charged as an adult -

16 SENATOR GOLD: Madam President -
17 Madam President -

18 SENATOR JOHNSON: Now that we got
19 that straightened out -- and there's nothing
20 more important to youngsters than being able to
21 drive an automobile, it seems, and this says if
22 you're under 16 and you're caught driving
23 without a license, you will have a penalty and
24 that penalty will be that you cannot get a
25 license until 18 or age 21 as determined by a

1 court.

2 I think it's -- it adds an
3 additional, shall I say penalty and negative to
4 the driving without a license. We don't want
5 them on the road. We want them to know they
6 will not get a license until 18 or 21 because
7 they've taken a car illegally when they were not
8 licensed.

9 ACTING PRESIDENT KUHL: Senator
10 Smith.

11 SENATOR SMITH: Mr. President,
12 would the sponsor yield to a question?

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

15 SENATOR JOHNSON: Yes, Mr.
16 President.

17 ACTING PRESIDENT KUHL: The
18 Senator yields.

19 SENATOR SMITH: Through you, Mr.
20 President. Does that mean that the person that
21 is 16 years or younger would be committing a
22 crime other than driving without a license, or
23 is it solely based on just driving without a
24 license?

25 SENATOR JOHNSON: No. The only

1 thing they have is a violation of driving
2 without a license. There wouldn't be any other
3 penalty other than not having this -

4 SENATOR SMITH: So they wouldn't
5 be inebriated or anything else.

6 SENATOR JOHNSON: Well, if they
7 were, I suppose it's another story and then that
8 would be handled by a juvenile court.

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

11 ACTING PRESIDENT KUHL: Any other
12 Senator wishing to speak on the bill?

13 (There was no response.)

14 Hearing none, the Secretary will
15 read the last section.

16 THE SECRETARY: Section 4. This
17 act shall take effect in 120 days.

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT KUHL: Record
22 the negatives and announce the results.

23 THE SECRETARY: Ayes 37, nays 1,
24 Senator Smith recorded in the negative.

25 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 314, by Senator Meier, Senate Print 2573, an act
4 to amend the Education Law and the Public Health
5 Law, in relation to the licensing of members of
6 the United States Armed Forces.

7 SENATOR PATERSON: Explanation.

8 ACTING PRESIDENT KUHL: Senator
9 Meier, an explanation of Calendar Number 314 has
10 been requested.

11 SENATOR MEIER: Mr. President,
12 this bill would permit the transfer of military
13 course work and military experience and permit
14 its consideration by the Department of Education
15 for licensing certain health care
16 professionals. The bill specifically covers
17 respiratory therapy, occupational therapy and
18 physical therapy.

19 It would also, in connection with
20 some other certified health professionals,
21 direct the New York State Emergency Medical
22 Service Council to give consideration in
23 certifying emergency medical technicians and
24 advanced EMTs to give consideration to
25 equivalent military training.

1 While it permits the Department
2 of Education in the area of licensing these
3 therapists, occupational, respiratory and
4 physical, it permits them to consider the
5 military training. It still preserves the right
6 of the Department of Education to maintain
7 standards by requiring that the course work or
8 the actual experiential of that person's work
9 would have to meet Department of Education
10 standards.

11 ACTING PRESIDENT KUHL: Senator
12 Paterson.

13 SENATOR PATERSON: Thank you, Mr.
14 President.

15 That was an excellent explanation
16 and now I have learned the proper use for the
17 word "experiential". It's the first piece of
18 legislation we've noticed that was introduced by
19 our new Senator and colleague, Senator Meier,
20 and it's, I think, hopefully the prelude to
21 other pieces of legislation coming out of that
22 office which will improve the quality of life in
23 this state.

24 We want to recognize this bill
25 and congratulate him. I'll probably cross the

1 international datelines before one of my bills
2 gets to the floor, but we are very happy that he
3 introduced it and wanted to give him a chance to
4 explain it.

5 ACTING PRESIDENT KUHL: Senator
6 Dollinger.

7 SENATOR DOLLINGER: One question,
8 if the sponsor would yield.

9 ACTING PRESIDENT KUHL: Senator
10 Meier, do you yield to a question from Senator
11 Dollinger? The Senator yields.

12 SENATOR DOLLINGER: Does this in
13 any way waive the testing requirement for these
14 professions, or does this simply allow them to
15 take credit for their experience in the United
16 States military as far as the experience portion
17 of the requirement in order to take the test?

18 SENATOR MEIER: Mr. President,
19 the bill merely permits the Department of
20 Education to accept the classroom training and
21 the experience portion. It does not in any
22 other way waive or delete any requirements for
23 licensure. So it preserves the standards but
24 permits consideration of military experience and
25 training.

1 SENATOR DOLLINGER: Very good,
2 Mr. President.

3 I concur with the sentiments of
4 Senator Paterson.

5 ACTING PRESIDENT KUHL: Senator
6 Meier.

7 SENATOR MEIER: Mr. President, I
8 would just note to my colleague, Senator
9 Paterson, that this is my first time and I thank
10 you for being gentle.

11 ACTING PRESIDENT KUHL: Is there
12 any other Senator wishing to speak on the bill?

13 (There was no response.)

14 Hearing none, the Secretary will
15 read the last section.

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 42.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

24 (Applause)

25 Senator Skelos.

1 SENATOR SKELOS: Mr. President,
2 could you please take up Calendar Number 483 at
3 this time.

4 ACTING PRESIDENT KUHL: The
5 Secretary will read the title to Calendar Number
6 483.

7 THE SECRETARY: Calendar Number
8 483, by Senator Wright, Senate Print 3672, an
9 act to amend the Public Authorities Law, in
10 relation to allowing the town of Minetto to
11 contract.

12 ACTING PRESIDENT KUHL: There is
13 a home rule message at the desk.

14 The Secretary will read the last
15 section.

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 42.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

24 Senator Skelos, you want to
25 continue with Calendar Number 491?

1 SENATOR SKELOS: Yes, Mr.
2 President.

3 ACTING PRESIDENT KUHL: The
4 Secretary will read the title to Calendar Number
5 491.

6 THE SECRETARY: Calendar Number
7 491, by Senator DeFrancisco, Senate Print 479-A,
8 an act to amend the Public Health Law, in
9 relation to the establishment or incorporation
10 of hospitals.

11 SENATOR PATERSON: Explanation.

12 ACTING PRESIDENT KUHL: Senator
13 DeFrancisco, an explanation of Calendar Number
14 491, Senate Print 479-A, has been requested by
15 the Acting Minority Leader, Senator Paterson.

16 SENATOR DeFRANCISCO: Yes. This
17 bill is a bill that would provide the same
18 ability that all corporations under our Limited
19 Liability Law presently enjoy and that would be
20 extended to the hospitals and nursing homes, and
21 it's basically a bill that just provides for
22 this tax benefit that other corporations
23 currently have and it does not in any way raise
24 the possibility of out of state corporations
25 coming here and becoming -- buying up

1 corporations and having an out of state
2 corporation having subsidiaries in this state,
3 although that was one of the memos in
4 opposition. It doesn't do that at all and it
5 just simply provides the same tax benefits that
6 others have with limited liability companies.

7 ACTING PRESIDENT KUHL: Senator
8 Paterson.

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

11 Mr. President, this isn't Senator
12 DeFrancisco's first bill, is it? Well, then
13 let's get started.

14 If Senator DeFrancisco would
15 yield for a question.

16 ACTING PRESIDENT KUHL: Senator
17 DeFrancisco, do you yield to a question from
18 Senator Paterson?

19 SENATOR DeFRANCISCO: Yes, I do.

20 ACTING PRESIDENT KUHL: The
21 Senator yields anxiously.

22 SENATOR PATERSON: Senator, there
23 are a couple of memorandums in opposition to
24 this piece of legislation, one from District
25 Council 37 and one from the Civil Service

1 Employees Association and there's a concern that
2 I thought you might want to address that limited
3 liability companies would be coming in and
4 operating for-profit corporations in the
5 management of hospitals and, therefore, taking
6 advantage of the tax benefit. Now, I'm not
7 really clear on whether or not that is the case,
8 and I thought perhaps you might want to share
9 with us what your understanding is.

10 SENATOR DeFRANCISCO: That is -
11 what I had mentioned briefly when I was trying
12 to explain the bill, that is not the case and I
13 point to page 5 of the bill and lines 20 to 23,
14 it says "No hospitals shall be approved for
15 establishment which would be operated by a
16 corporation, any of the stock of which is owned
17 by another corporation or a limited liability
18 company, if any of its corporate member's stock
19 is owned by another corporation." In other
20 words, that is not the intent at all. It does
21 not allow for that. The bill doesn't allow for
22 that at all.

23 Similarly, there's a comment in
24 one of the memos in opposition that this would
25 establish for-profit hospitals, and that's

1 already permitted under state law under Section
2 2801-A of the Public Health Law. So I think
3 what -- the concern wasn't that this would
4 establish for-profit hospitals or for-profit
5 nursing homes because it's already authorized
6 under that law but that this would be some major
7 corporation buying up all hospitals in our
8 community and that is not permitted under the
9 law.

10 ACTING PRESIDENT KUHL: Senator
11 Dollinger.

12 SENATOR DOLLINGER: Mr.
13 President, on the bill.

14 I discussed this bill in
15 committee and I have reviewed it carefully with
16 respect to Senator DeFrancisco's comment about
17 what exactly it does, and I'm satisfied that
18 what this bill will do will simply allow either
19 nursing homes or the very few hospitals in this
20 state that are already in private hands, to
21 allow a change in the ownership of those
22 facilities from either partnerships or
23 individual ownerships into limited liability
24 corporations which have tax advantages similar
25 to partnerships and also limited liability

1 protections that affect their insurance coverage
2 and their liability to patients and third
3 parties.

4 So with that understanding, Mr.
5 President, I'm going to vote in favor of this
6 bill. I do not read it as permitting any change
7 in New York law with respect to either
8 encouraging or discouraging for-profit hospitals
9 or for-profit nursing homes from coming to this
10 state. If it did or if I thought it did or even
11 gave an incentive to it, I would vote against
12 it. I'm convinced that it does not. It simply
13 allows for some transitions in ownerships
14 consistent with our current philosophy in this
15 state, and with that in mind, I will be voting
16 in favor.

17 ACTING PRESIDENT KUHL: The Chair
18 recognizes Senator Stafford.

19 SENATOR STAFFORD: Mr. President,
20 I know people get sick of hearing this and I
21 don't want any applause. In 32 years, this is
22 the first question I've ever asked on a bill.

23 ACTING PRESIDENT KUHL: Senator
24 DeFrancisco, do you yield for this moment in
25 history?

1 SENATOR DeFRANCISCO: You don't
2 know how honored I am that I got the first
3 question.

4 SENATOR STAFFORD: Don't be.

5 ACTING PRESIDENT KUHL: The
6 Senator yields.

7 SENATOR STAFFORD: Don't be.
8 Isn't it true that we have an industry in this
9 state and that wouldn't this sort of be -
10 couldn't you define this maybe as being sensible
11 and, in effect, we're trying to establish a
12 level playing field? Is that sort of what we're
13 doing here?

14 SENATOR DeFRANCISCO: Well, I
15 think that's exactly what we're trying to do
16 here. I think we passed the Limited Liability
17 Law for a very good reason. Other states were
18 doing the same thing and New York State did not
19 have that tax advantage and people were
20 incorporated in other states, and I think
21 there's no reason why hospitals or nursing homes
22 should not be provided with that same benefit.
23 If they didn't, then we would be in the same
24 situation with nursing homes and hospitals that
25 we were with some of the other corporate

1 entities that decided that they would
2 incorporate in another state rather than the
3 state of New York.

4 So I think it will provide a
5 level playing field and there's no reason
6 nursing homes and hospitals shouldn't have the
7 same tax benefits that other corporations have
8 gained under the Limited Liability Law and
9 that's the sole intent of this bill and that's
10 the intent that the -- that we hope to make into
11 law by the passage in this house and also the
12 Assembly and the Governor signing the bill.

13 SENATOR STAFFORD: Thank you.

14 ACTING PRESIDENT KUHL: Is there
15 any other Senator wishing to speak on the bill?

16 (There was no response.)

17 Hearing none, the Secretary will
18 read the last section.

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

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT KUHL: Record
25 the negatives and announce the results.

1 THE SECRETARY: Those recorded in
2 the negative on Calendar Number 491, Senators
3 Abate, Connor, Onorato and Paterson. Ayes 45,
4 nays 4.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 Senator Skelos.

8 SENATOR SKELOS: Mr. President,
9 just a reminder that the Higher Education
10 meeting is going on now starting at 10:30 in
11 Room 332 of the Capitol and we'll stand at ease
12 pending the report of the Higher Education
13 Committee.

14 ACTING PRESIDENT KUHL: There is
15 a Higher Education Committee meeting going on in
16 the Majority Conference Room, Room 332.

17 The Senate will stand at ease.

18 (Whereupon, the Senate stood at
19 ease from 9:30 a.m. to 10:07 a.m.)

20 ACTING PRESIDENT MARCELLINO:
21 Senator Bruno, we have a report from a standing
22 committee that we would like to have read.

23 SENATOR BRUNO: Can we have the
24 report, Mr. President.

25 ACTING PRESIDENT MARCELLINO:

1 Thank you.

2 The Secretary will read.

3 THE SECRETARY: Senator LaValle,
4 from the Committee on Higher Education, offers
5 up the following bills:

6 Senate Print 542, by Senator
7 Johnson, an act to amend the Education Law;

8 2515-A, by Senator Skelos, an act
9 to amend the Education Law;

10 3739, by Senator LaValle, an act
11 to amend the Education Law, in relation to
12 membership of the board of trustees.

13 All bills directly for third
14 reading.

15 ACTING PRESIDENT MARCELLINO:
16 Without objection, all bills directed to third
17 reading.

18 SENATOR BRUNO: Mr. President,
19 can we at this time take up Calendar Number 411.

20 ACTING PRESIDENT MARCELLINO:
21 Yes. We have a local fiscal impact notice at
22 the desk.

23 The Secretary will read.

24 SENATOR GOLD: Explanation.

25 THE SECRETARY: Calendar Number

1 411, by Senator Bruno, Senate Print 2-A, an act
2 to amend the Tax Law and Public Service Law, in
3 relation to a reduction in the rate of tax.

4 ACTING PRESIDENT MARCELLINO:

5 Senator Bruno, an explanation has been asked for
6 by Senator Gold.

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

9 We have before us a jobs for the
10 21st Century tax cut program. The intent is
11 exactly that. Cut taxes in New York State, cut
12 them appropriately and you will create jobs and
13 economic development.

14 Now, how do we know that? We
15 know that by taking a look at what happened in
16 the past. During the '80s, early '90s, New York
17 State led the country in losing jobs. Your
18 families, our neighbors, lost their jobs. Those
19 jobs were not in existence in New York State or
20 they went to other states. And why was that?
21 Because of what we recognize now were the failed
22 policies of government in New York State; failed
23 in that we increased spending every single year
24 and when you increase spending, you increase
25 taxes and people in New York State were the

1 highest taxed per capita in all of the United
2 States. As a consequence, we were last, 50th,
3 in creating jobs in the United States, late
4 '80s, early '90s.

5 Lost over 550,000 jobs here in
6 this state. Why? Because we weren't
7 competitive. We could not compete with other
8 states and other countries. Business people and
9 professionals take a look at the bottom line and
10 when they look at the bottom line, if they know
11 they can do better in Tennessee, in Texas, in
12 New Jersey, in New Hampshire, in Massachusetts,
13 that's where they grow their companies.

14 We elected a new governor, Mr.
15 President, over two years ago. We have new
16 leadership here in this Senate and we have
17 partnered with the Governor and with the
18 Assembly and in two years, the people of New
19 York State enjoyed more tax cuts, personal and
20 business tax cuts two years in a row than all
21 other 49 states combined.

22 What's happened as a result? \$6
23 billion in tax cuts. We quickly have moved up
24 from 50th in job creation to 8th in job
25 creation, creating over 175 new jobs every

1 week. Every month announcements are made of new
2 jobs being created in New York State. Why?
3 Because we're becoming competitive. We're
4 becoming competitive and that is a credit to
5 this Governor and his leadership, and this
6 Legislature that partnered with the Governor in
7 moving this state forward towards prosperity.

8 What we have before us continues
9 something that's working. Cutting taxes has
10 worked in New York State. So we're going to
11 continue that.

12 We have already passed in this
13 house a \$3 billion property tax cut package.
14 That will become part of the final budget that
15 we adopt, and that's critical, and we partner
16 with the Governor in his STAR program.

17 We now have before us a \$2.5
18 billion business tax cut package, and let me
19 just run down through a list of these tax cuts
20 and you can draw your own conclusions as to the
21 positive impact that they will have on the
22 people of this state.

23 This is not conversation. It's
24 not rhetoric. What we're proposing here is very
25 meaningful and we are going to do everything

1 within our power to see that any budget that's
2 adopted in this state includes this package or
3 most of this package.

4 And we start with a reduction in
5 energy costs. We all know that the high energy
6 costs -- New York State has the highest or
7 second highest cost of energy in the whole
8 country. The cost of energy inhibits business
9 growth. We've had Grumman closing down,
10 downsizing, moving out from the Island where
11 they have the highest energy costs.

12 We have a gross receipts tax on
13 energy in this state. It's been there too
14 long. A gross receipts tax is the worst
15 possible tax on business because a business
16 could be losing millions and millions and still
17 pay a tax. That is not the American way and the
18 result has been an inhibition of growth. We
19 have to get the gross receipts tax off of
20 businesses and professions. We should tax
21 businesses on their bottom line and the bottom
22 line is after expenses, you deduct expenses from
23 the revenue and you have a bottom line and your
24 bottom line is hopefully profitable. On that
25 profit, you pay a tax. That's how we should tax

1 businesses, not on revenue as the gross receipts
2 tax does, but on the bottom line. So we're
3 talking about eliminating over a period of years
4 -- first we want to do a freeze and then
5 eliminating it over the next several years.
6 That is \$710 million to the people of this
7 state.

8 We also tax health care
9 facilities, nursing homes, hospitals, home care
10 providers, and how do we tax them? Above the
11 line, a gross receipts tax, an assessment and
12 that's wrong. That is wrong.

13 We are going to phase that
14 assessment or that above-the-line tax out
15 because it costs your constituents and mine too
16 much money already for health care. So why do
17 we want to add to their burden? 550 million
18 we're going to reduce.

19 We want to reform the estate
20 taxes here in New York State. Why? Because New
21 York State, like we have done in the past with a
22 lot of other taxes, we tax people as they die,
23 after they die. We tax them more in New York
24 State than most other states. So what do people
25 do and what have they been doing? It's not the

1 only reason -- or it's one of the reasons they
2 move to Florida and they die in Florida and
3 their estate inherits a lot more of their hard
4 earned money. Caring parents do that too
5 frequently.

6 We want to conform the New York
7 State estate taxes to all the other states so
8 that there is no encouragement for people to
9 move out of this state, move elsewhere to pass
10 their estate on to their children.

11 We also want to remove the gift
12 tax, which is just a gratuitous tax. We should
13 remove it and that's part of our proposal.

14 There is much more. Sales tax on
15 clothing, a very popular thing to do. We remove
16 the sales tax on clothing. We propose as part
17 of our package to do away with the sales tax
18 here in New York State on clothing of \$500 or
19 less. We did it for a week. It worked out
20 extremely well, stimulated sales. I think you
21 bought a couple of suits, Senator Velella,
22 right? It was -- he moved the market all by
23 himself in the Bronx. We want to encourage him
24 and others to go out and spend money here in
25 this state.

1 Senator DeFrancisco said he
2 bought six suits for that 500, but in all
3 seriousness, the cost of clothing is too high.
4 When we add a state tax on it, it's
5 prohibitive.

6 So we phase it out this way. One
7 week in August, late August, tax-free, preschool
8 and one week in January, first year, then we
9 phase it out one percent a year over the next
10 four years, and that's the New York State
11 portion. That is -- our estimates are in the
12 neighborhood of \$550 million.

13 What that means is that the
14 consumer gets to keep \$550 million, that they
15 can go out and buy more clothes for their
16 children, more food, pay for shelter and do all
17 the kinds of things that stimulate the economy.

18 We are proposing an adoption tax
19 credit. It's kind of tragic that people that
20 want to adopt children incur costs of 15-, 20-,
21 \$25,000 to adopt a child here in this state.
22 We're proposing a tax credit to the tune of \$20
23 million for a person that adopts or a family
24 that adopts a child.

25 Child care tax credit, \$25

1 million worth and that's to provide private
2 companies to encourage child care so that
3 mothers and families can go to work and improve
4 their quality of life.

5 Small business employment
6 incentive credit in EDZ zones, economic
7 development zones, \$5 million.

8 We want to extend the investment
9 tax credit from 10 to 15 years. People make
10 investments. They can't write them off in ten
11 years. They shouldn't be punished. They write
12 them off in 15 years to encourage them to
13 continue to make investments in their business
14 here in this state.

15 Insurance tax reform, we have to
16 raise the cap on insurance companies to make
17 them more competitive with other companies that
18 are domiciled in other states.

19 We also have an Article XV tax,
20 so-called which, in essence, indicates that
21 insurance companies, if your car is damaged and
22 you have an estimate, it takes \$1,000 to fix it,
23 insurance companies have to prepay the tax on
24 that \$1,000 before you even fix the car and if
25 you never get it fixed, they're supposed to send

1 the money anyway. It's nonsense. It's dumb.
2 It's stupid because every study shows that to
3 implement that -- and it's never been
4 implemented yet and it's passed several years
5 ago -- because the cost of managing it would be
6 more than the revenue that would be derived, and
7 yet we in the Senate each year have tried to
8 rescind it. It's still on the books. We're
9 going to try again this year.

10 In 1990, we had a bond issue and
11 that bond issue, the interest was supposed to be
12 financed by taxing beverage containers, beer and
13 soda. The bond issue failed. We in this state
14 kept taking the tax -- even though the purpose
15 was no longer there, we kept taking the tax
16 every year. We started to do away with it two
17 years ago. We've got to finish doing away with
18 it this year, and that's part of our package
19 because it's the right thing to do.

20 We want to eliminate the
21 petroleum business tax on railroads, \$5
22 million. It makes it more competitive with
23 railroads in other states. We index the
24 petroleum business tax. It moves with the
25 consumer index. The tax goes up almost

1 automatically. We've got to stop that from
2 happening because the cost of fuel is a critical
3 cost of doing business in this state and we
4 don't want to make it any more expensive than we
5 have to, and there is another fuel that we want
6 to reduce the tax on and that's liquor.

7 What is liquor? We want to
8 reduce the excise tax on liquor because people
9 have an incentive to travel to other states,
10 especially in the border towns, the border
11 neighborhoods and we want to make New York State
12 retailers more competitive.

13 Disability employment credit, \$3
14 million, and that is to encourage employers to
15 hire people who are disabled. That is most of
16 what is in our \$2.5 billion package.

17 Now, I have made the statement in
18 the past that there's never been a tax cut that
19 I didn't like. So I and my colleagues, I know,
20 are open because we in New York State still are
21 among the highest taxed in the continental
22 United States. So we have to keep doing the
23 kinds of things that we have been doing since
24 Governor Pataki has been elected, since we've
25 had new leadership here in the state, to

1 continue to turn this state around and go
2 forward and continue the successes that we have
3 enjoyed over these last two years.

4 Thank you for your attention.

5 SENATOR GOLD: Mr. President.

6 ACTING PRESIDENT MARCELLINO:

7 Senator Gold.

8 SENATOR GOLD: Thank you very
9 much, Mr. President.

10 Senator Bruno, I admire your
11 dedication to the business community, and I
12 would tell you that it would be demagoguery on
13 my part if I told you that we don't have an
14 obligation to the business community. We do.

15 On the other hand, Senator, I
16 take a look at a bill that talks about tax cuts
17 -- and I know in a vacuum I certainly am not
18 opposed to tax cuts -- but where is the whole
19 budget, Senator? Where does this all fit in?

20 We've heard about a lot of things
21 you said today over and over, and I don't want
22 to repeat your side and my side. You talk about
23 loss of jobs and that we brought in new jobs.
24 The answer to that, as you well know, is that we
25 have been bringing in low level jobs. People

1 who used to have one job now have to work two
2 jobs and there's still many, many people out
3 there unemployed. We have programs thrown at us
4 by your side of the aisle and by the Governor to
5 cut welfare and yet there's no jobs for these
6 people, and there's a real sense of lack of
7 reality in that.

8 You talk about an increase in
9 spending over the last year, Senator, that
10 brought us to a certain level, and I would
11 remind you, if you would take a look not to the
12 left but to the right, there are the people that
13 voted for it. There isn't a budget that passed
14 under the Cuomo administration or the Carey
15 administration that wasn't accepted and voted on
16 by the Republican Party in this house. When we
17 went through a period of a few years where the
18 budget increased \$5 billion in taxes, your side
19 of the aisle voted for those taxes.

20 Now, am I glad that we can say to
21 people that things are doing better in New
22 York? Of course, I'm glad, and I assume that
23 last year's vote was a recognition of how much
24 Bill Clinton had to do with it and the federal
25 government had to do with it, federal policies,

1 and in terms of the \$2.5 billion surplus from
2 last year, a lot of it coming from Wall Street,
3 Wall Street did very good selling stocks for
4 companies outside of New York State. They're
5 doing very well all over the place. So the Wall
6 Street brokers did good and the market did good.

7 Senator, we have been accused in
8 the last few days of posturing and playing to
9 audiences rather than doing real legislative
10 work. I would suggest to you, Senator, that the
11 rent bill which you voted down was real because
12 that could have become a law because it was a
13 two-house measure. Your program today is a
14 one-house measure. If that isn't posturing, if
15 that isn't demagoguery, then I don't know what
16 is, Senator Bruno, because it is not part of the
17 real world.

18 But here we are, nine days into
19 April and there is no budget and, Senator Bruno,
20 I remember two years ago -

21 ACTING PRESIDENT MARCELLINO:

22 Senator Gold, would you -- since it's our
23 procedure -- I understand you have been here a
24 lot longer than I have, but just a reminder that
25 comments should be directed at the Chair -

1 through the Chair and not to individuals.

2 SENATOR GOLD: Your comment is
3 well taken, Mr. President, and I will try to
4 abide by that.

5 Mr. President, I listen very
6 carefully when our distinguished Leader, Senator
7 Bruno, speaks, and two years ago I'll never
8 forget the comments in the press about the fact
9 that the Assembly did not pass a budget and this
10 house had put a budget out on the table.

11 Last year, as I remind my
12 colleagues, we did not put out a budget. We
13 certainly weren't going to put out the
14 Governor's budget because even the Majority of
15 this house was ashamed of that budget. They
16 couldn't bring it to the floor and the Majority
17 of this house didn't put a budget out on the
18 floor until weeks after the April date. I guess
19 we're in the same predicament this year.
20 Governor Pataki has submitted a budget.

21 Senator Bruno, Mr. President, has
22 said that "we", meaning the Republicans, have
23 partnered with the Governor and yet this year
24 again they do not bring out the Governor's
25 budget for a vote. They don't bring out their

1 own budget for a vote.

2 We had our second annual
3 conference on estimating revenues and at the end
4 of that, we did so great, we were only \$1
5 billion off between the bottom and the top. Not
6 bad. If it was a billion-one and they threw in
7 one for us, right, it wouldn't be bad, but
8 again, no budget.

9 I don't want to make everything
10 sound very bleak, so I have here -- I guess we
11 should take an affirmative point of view, and I
12 have some quotes which should lift our spirits
13 from our former Vice-president, Mr. Quayle, who
14 said "If we don't succeed, we run the risk of
15 failure", and I think that we're trying -
16 you're trying to succeed, Senator Bruno. He
17 said, "The future will be better tomorrow." I
18 guess we're all hoping that that is true.

19 But, Senator Bruno, I want to say
20 something to you. We have debated issues here
21 -- and I know you're very concerned about rent
22 control in the city of New York, and I know
23 you're also concerned about jobs.

24 As you know, Senator Bruno, I
25 spend a lot of time in Albany because that's my

1 job coming up here, and I have here -- this is a
2 capital region -- it's a special that's put out
3 weekly by the Times Union and this one is dated
4 March 20th and the big headline on the front
5 page, "AT&T to eliminate up to 350 local jobs."

6 Senator Bruno, I know that in
7 bringing this bill to the floor today, you're
8 concerned about jobs. I hope so, Senator,
9 because while I'm suffering and fighting for
10 rent control in my city, I hope right under your
11 nose you're concerned about losing these jobs.
12 Not only that, it mentions in here that this
13 latest news of impending local layoffs follows
14 the announcement by Governor George Pataki last
15 week that Clifton Park Relay Center for the
16 Hearing Impaired was going to be relocated to
17 Syracuse.

18 Here again, the Governor tried to
19 do in the Albany community a couple years ago,
20 Senator Bruno, and maybe you shouldn't spend so
21 much time in rent control because there's jobs
22 right under your nose in your own district that
23 are being threatened.

24 You know, Senator Bruno -

25 ACTING PRESIDENT MARCELLINO:

1 Senator Gold.

2 SENATOR GOLD: Yes, Mr.

3 President.

4 ACTING PRESIDENT MARCELLINO: To
5 the Chair, please.

6 SENATOR GOLD: Yes. Thank you,
7 Mr. President.

8 Mr. President, I have a great
9 respect for Senator Bruno and that is not said
10 in jest, but it's funny. It seems wherever I
11 go, there are reminders of our distinguished
12 Leader, and a little while back I was in Florida
13 and there it was right in front of me, right in
14 front of me and I thought of our distinguished
15 leader, Mr. President, because right in front of
16 me was this reminder and it said, "What are we
17 doing with the budget?" We're like in a swamp.
18 We're in a quagmire. We can't seem to get out
19 of the mess we're in with the budget and
20 everybody's looking for the exit and Senator
21 Bruno says, Look, I know we're looking for the
22 exit but we can get there my way. I'm the
23 Leader of the Senate, my way, one way and we'll
24 take one way, but the problem, Senator Bruno, is
25 that as this Florida reminder showed me, your

1 one way doesn't get us to the exit. As a matter
2 of fact, it takes us in a completely different
3 direction. That's the problem. The problem is,
4 Senator, that we are here on March -- on April
5 9th talking about one-house bills -- one-house
6 bills that don't get us a budget.

7 Senator Stafford and I and
8 Assemblyman Farrell and Assemblyman Faso had the
9 opportunity to hold budget hearings and in all
10 fairness, Senator Bruno -- Mr. President, in all
11 fairness, Senator Bruno was not there because he
12 had Senator Stafford there. Senator Connor had
13 me, et cetera, et cetera, and we went through
14 days of hearings on the budget and we went
15 through a period of this conference on revenue
16 estimates and, again, the leaders were not
17 there, Mr. President, and Senator Bruno said
18 maybe we ought to have these Conference
19 Committees now. After all, the legislators
20 ought to be involved.

21 We have transportation issues and
22 certainly Senator Levy should have some input
23 and the courts are a major part of the budget,
24 and I know Senator Lack has sincere interest in
25 that, and I could go around all the members of

1 your side and I could go around all the members
2 on our side, talk about Senator Hoffmann in
3 agriculture, et cetera, et cetera, but the point
4 is the committees never got set up. We're not
5 doing any work.

6 Now, when Governor Cuomo was the
7 Governor and there were criticisms about a late
8 budget, I know one thing. Governor Cuomo would
9 sit down there and he would be exasperated and
10 he would call in Warren Anderson and call in
11 Ralph Marino and many of us did not like the
12 fact that there were three people working on the
13 budget but somebody was working on the budget,
14 somebody, somewhere. And what do we have
15 today?

16 I want you to listen, Senator
17 Bruno, Mr. President and my colleagues, to the
18 present budget negotiations. I don't hear
19 anything either. There are none that we hear
20 about and if it's happening in some room some
21 place, that's disgusting. If it turns out that
22 it's going to happen in the press, that's even
23 worse. It ought to be part of a legislative
24 solution and we're doing nothing, Mr. President,
25 to bring about a budget.

1 Having said that, I will say that
2 this package is posturing. Are there ideas in
3 it that are worthwhile to be discussed?

4 Absolutely. I particularly like the one that
5 Senator Bruno mentioned where he said that it
6 hasn't been implemented because it costs too
7 much to implement. So I say to myself, if it
8 hasn't been implemented, where is the savings?
9 It's not -- nothing is happening with it but,
10 Senator, there are some interesting points you
11 made, and I won't belittle it. You know
12 business and you have made their points very
13 well and when it comes to gross receipts tax,
14 Senator, this is something which many of us
15 believe should be spoken about and addressed but
16 not in an omnibus bill with no budget, no budget
17 and if you're asking your members, Senator, to
18 vote on a bill that throws away \$2.5 billion
19 after we already had a bill which talked about
20 your property tax relief and your school relief
21 -- that was another 2.5 billion, \$5 billion -
22 without showing us a total budget, I think,
23 Senator, that that is fiscally irresponsible.

24 Not only that, I might point out
25 that the Assembly passed a budget and there was

1 some criticism as to where is the money.

2 Senator -- Mr. President, our distinguished
3 Leader has shown where the money is by putting
4 out his property tax bill and putting out this
5 bill. There's an acknowledgment that there's
6 enough money there to do the kind of things that
7 the Assembly has been talking about.

8 Now, the only way to decide,
9 Senator, whether we do those things that the
10 Assembly is talking about or whether we just
11 take all of these cuts or some of these cuts,
12 most of these cuts, is to deal with it in
13 negotiation, not posturing, and if you want to
14 criticize us for posturing, Senator, it's time
15 to look in the mirror, Mr. President, because
16 that's all we're doing today is posturing. I
17 wish we weren't. I wish that we could get the
18 budget behind us. I wish that we could have
19 gotten rent control behind us the other day so
20 that didn't get filtered into this issue, and I
21 wish, Mr. President, that we could all make a
22 decent plane today after the posturing.

23 Thank you.

24 ACTING PRESIDENT MARCELLINO:

25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: This is
2 very instructive debate, very instructive debate
3 for the students up there from my district.

4 What's being debated is a tax cut
5 bill that would help stimulate jobs in our
6 community, reduce taxes for businesses so your
7 parents and your relatives could get jobs and to
8 provide tax benefits for the individuals as well
9 along the way and Senator Bruno outlined each
10 one of those in graphic detail.

11 Now, when you're thinking of this
12 debate later on, children, I just want to just
13 ask you to think about the response to that
14 bill. The response quoted quotes from Dan
15 Quayle, talked about budget negotiations, talked
16 about everything except whether the bill is a
17 good idea or whether it's a bad idea and the
18 reason there is no indication from the other
19 debater as to that it was a bad idea, because he
20 really likes it. He doesn't want to go out and
21 say to the world that "I'm against tax cuts".
22 So he'll criticize Senator Bruno for
23 everything. He'll make jokes.

24 If you were here about this time
25 a year and a half ago, maybe two years ago, we

1 had a similar debate about income tax cuts and
2 you would have heard the same nonsense that
3 you're hearing today. "We can't afford it.
4 It's a one-house bill. It's this. It's that."
5 I don't think it was Dan Quayle then. Maybe it
6 was President Bush, but the fact of the matter
7 is -- or whatever it was. Maybe it was even
8 Clinton. The fact of the matter is that's a
9 perfect way to debate a bill when you don't want
10 to say you're against it but you can't really
11 support it for political reasons.

12 So, ladies and gentlemen, I think
13 what we have -- let me just complete and then I
14 will be happy to answer any question. So I
15 think what we have here is an interesting
16 exercise in democracy. The bill is a good bill
17 for the reasons that Senator Bruno stated and no
18 one has indicated that it was a bad bill, at
19 least at this point in time in the debate.

20 SENATOR GOLD: Mr. President.

21 ACTING PRESIDENT MARCELLINO:

22 Senator Gold, why do you rise?

23 SENATOR GOLD: Would the
24 distinguished gentleman from Syracuse yield to a
25 question?

1 ACTING PRESIDENT MARCELLINO:

2 Will the distinguished gentleman from Syracuse
3 yield to a question?

4 SENATOR DeFRANCISCO: I will.

5 SENATOR GOLD: Thank you.

6 ACTING PRESIDENT MARCELLINO: He
7 will, Senator.

8 SENATOR GOLD: Mr. President, I
9 heard the statements made by my colleague to the
10 students and, first of all, I'm delighted that
11 they're here and they ought to be here because
12 that is learning, but I would like to know from
13 the gentleman whether or not if the Governor's
14 budget was on the floor today, he would vote for
15 it to give us a budget. Would you vote for the
16 Governor's budget as it stands today?

17 SENATOR DeFRANCISCO: No, I would
18 not.

19 SENATOR GOLD: All right. Will
20 you yield to another question?

21 SENATOR DeFRANCISCO: Yes.

22 ACTING PRESIDENT MARCELLINO:
23 Will you yield? He yields.

24 SENATOR GOLD: Senator, I don't
25 know why you wouldn't vote for it but I admire

1 your answer. The Governor's budget, as you and
2 I understand it, would increase the costs of
3 education at SUNY and CUNY. It would do damage
4 to the entire educational system and I would
5 think, Senator, that one of the reasons that you
6 might not vote for the budget is your concern
7 for children and their education but, Senator,
8 I've suggested we shouldn't pass the bill before
9 us today because we don't have that final budget
10 that takes care of our children's education and
11 funds it properly. Isn't it more responsible,
12 Senator DeFrancisco, to wait until we have a
13 full budget, know what money we need for our
14 children and then filter in whatever tax cuts we
15 can?

16 SENATOR DeFRANCISCO: Then that's
17 exactly what you said a couple years ago when we
18 in the Senate passed a, quotes, "one-house bill"
19 for three years of income taxes that returned
20 substantial amounts of monies to the citizens of
21 this state. It was a one-house bill at the
22 time, but guess what happened? During the
23 budget negotiations, the Assembly decided that
24 politically we can't just keep spending the
25 state down into bankruptcy and they adopted that

1 one-house bill.

2 So what we're doing today is
3 responsible. It's making it part of the debate
4 so that we can, in addition to providing for the
5 children, provide tax relief so for the long
6 term we have a better tax base and there's more
7 money spread across fewer people -- more people
8 paying that bill.

9 Thank you.

10 ACTING PRESIDENT MARCELLINO:

11 Senator Dollinger.

12 SENATOR DOLLINGER: Mr.
13 President, will Senator Gold yield to a couple
14 questions?

15 ACTING PRESIDENT MARCELLINO:

16 Senator gold, do you yield to Senator
17 Dollinger?

18 SENATOR GOLD: If they're easy.

19 ACTING PRESIDENT MARCELLINO:

20 Only if they're easy, Senator, and if they're
21 directed through the Chair.

22 SENATOR DOLLINGER: Senator, this
23 bill -- I have not been through all the text of
24 it. I know you in your ranking position on
25 Finance have been through and are familiar with

1 the terms of this bill. Does this bill specify
2 the spending cuts that we will impose upon the
3 people of this state to finance these tax cuts?

4 SENATOR GOLD: No.

5 SENATOR DOLLINGER: Again, if
6 Senator Gold will continue to yield.

7 ACTING PRESIDENT MARCELLINO:
8 Senator Gold, do you continue to yield?

9 SENATOR GOLD: Yes.

10 ACTING PRESIDENT MARCELLINO: He
11 yields.

12 SENATOR GOLD: I'm doing good.

13 SENATOR DOLLINGER: Is it safe to
14 assume, Senator -- you have been here for a long
15 time.

16 SENATOR GOLD: Yes.

17 SENATOR DOLLINGER: You have been
18 through many budgets many times. Is it safe to
19 assume that in order to fund these tax cuts, we
20 would do what the Governor has proposed this
21 year, which is to cut funds for education,
22 increase tuition at CUNY and SUNY, cut our funds
23 to hospitals, cut our funds to nursing homes,
24 cut our state work force? Is it safe to assume
25 that that's what would be necessary to fund

1 these tax cuts?

2 SENATOR GOLD: What is safe to
3 assume, Senator Dollinger, is that you obviously
4 understood my remarks and you now understand the
5 problem. Unless you know what it is you are
6 going to spend money on and unless Democrats,
7 Republicans, Liberals, Conservatives, middle of
8 the roaders all agree that there are certain
9 projects that are important -- maybe it's roads
10 in certain areas. Maybe it's beaches in a
11 different area. Maybe it's senior citizen homes
12 in certain areas. Maybe it's education. Maybe
13 it's transportation for education -- once both
14 sides of the aisle, once both houses, together
15 with the Governor, agree that these are the
16 legitimate needs of the people and then agree on
17 what revenues we have available to meet those
18 needs, it may very well be, as was pointed out,
19 that a year may come when we can cut certain
20 kinds of taxes, but tax cuts can be expensive
21 also.

22 When you take away educational
23 opportunity from children, that's expensive.
24 When you don't provide jobs for their parents,
25 that's hugely expensive. So the answer is, yes,

1 Senator Dollinger. In terms of a tax cut, you
2 don't put it out without explaining how it's
3 funded. In terms of a tax cut, you don't put it
4 out unless you can explain a total budget that
5 makes sure that needs are taken care of.

6 If we don't have a need, Senator
7 Dollinger -- Mr. President, we don't have to
8 raise one penny of taxes. It is unnecessary to
9 raise one penny of taxes in this state, I tell
10 you that, unless you want hospitals, unless you
11 want police, unless you want schools, unless you
12 want jobs, et cetera, et cetera, et cetera.

13 SENATOR DOLLINGER: Will Senator
14 Gold yield to just one more question?

15 ACTING PRESIDENT MARCELLINO:
16 Would you yield to just one more question?

17 SENATOR GOLD: Just one more
18 question.

19 ACTING PRESIDENT MARCELLINO:
20 Just one more question.

21 SENATOR DOLLINGER: Senator, you
22 heard earlier in this chamber in this debate,
23 someone described the failed policies of the
24 past decade. Just so I understand your remarks,
25 was it your opinion -- and I just want you to

1 clarify this for me -- that those failed
2 policies were actually approved by the Majority
3 in this house and that those very same policies
4 that increased taxes, that created assessments
5 on nursing homes, that created the gross
6 receipts tax, that put taxes on clothing, that
7 created an insurance tax, that all these things
8 were approved in this chamber, this very
9 chamber; is that true, Mr. President?

10 SENATOR GOLD: Mr. President, I
11 am shocked by the question.

12 ACTING PRESIDENT MARCELLINO: So
13 is the Chair.

14 SENATOR GOLD: Senator Dollinger,
15 yesterday and the day before you saw Senator
16 Bruno and Senator Skelos and others stand up and
17 say that procedure in this house was very, very
18 important and that bills shouldn't come out
19 unless committee chairmen approve those bills,
20 and you and I know that bills don't even come
21 out even if approved by a committee chairman if
22 the Republican Conference doesn't approve those
23 bills.

24 So, Senator Dollinger, I want you
25 to know that all of those expensive programs

1 that took the budget of the state of New York
2 and shot it through the ceiling had to have been
3 approved and voted for by the Republican Party
4 in this house under its rules, its customs, its
5 history.

6 SENATOR DOLLINGER: Again through
7 you, Mr. Chair -- Mr. President. Are you saying
8 that none of those taxes originated through
9 motions to discharge brought by the Democratic
10 Minority?

11 SENATOR GOLD: Not a one.

12 SENATOR DOLLINGER: Not a one.
13 They all came from the other side.

14 SENATOR GOLD: Not a one.

15 SENATOR DOLLINGER: Thank you,
16 Senator Gold.

17 Senator Gold, in his response -

18 ACTING PRESIDENT MARCELLINO:
19 Senator Dollinger, are you speaking on the
20 bill?

21 SENATOR DOLLINGER: Yes, Mr.
22 President, on the bill.

23 ACTING PRESIDENT MARCELLINO:
24 Senator Dollinger, on the bill.

25 SENATOR DOLLINGER: Senator Gold,

1 in his remarks, used a phrase that just brought
2 something to mind. He used that line that came
3 from the King of Siam in the musical The King
4 and I when he used the phrase, "et cetera, et
5 cetera, et cetera", the line that was made
6 famous by Yul Brynner.

7 Well, I guess I'm convinced,
8 Senator Gold, on the basis of what you told me,
9 that I would like to come up with another
10 mystical illusion to another kingdom and
11 frankly, Senator Gold, based on what you've told
12 me, I'm convinced that I can only be one place
13 today and that's in Shangri-la. I must be in
14 Shangri-la because I now get a chance to vote
15 for tax cuts without spending cuts. I get a
16 chance to vote for something that may never come
17 to pass, that's just an idealized fantasy that I
18 would love to do, but I don't have to be
19 responsible by pinpointing the cuts and services
20 in education that would be required if we
21 actually had to do something that was in
22 reality, that if I was in Albany I would never
23 do. I would never vote for tax cuts unless I
24 knew what the spending cuts were attached to
25 them. I wouldn't vote for tax cuts that would

1 promise cuts in education, cuts in hospitals, as
2 Senator Gold described. I wouldn't do that if I
3 were in Albany. I'm in Shangri-la. I must be
4 representing a district from there. I'm in
5 Shangri-la. I'm even tempted to vote yes. In
6 Shangri-la you can vote yes without
7 responsibility. It's the perfect place to be.

8 I thank Senator Bruno and his
9 magic carpet for taking me there.

10 ACTING PRESIDENT MARCELLINO:
11 Senator Gentile.

12 SENATOR GENTILE: I believe I
13 have an amendment at the desk, Mr. President.

14 ACTING PRESIDENT MARCELLINO: The
15 amendment's at the desk.

16 SENATOR GENTILE: I would ask
17 that we waive the reading and allow me to
18 explain the amendment.

19 ACTING PRESIDENT KUHL: The
20 amendment is at the desk. We will waive the
21 reading.

22 Senator Gentile, on the
23 amendment.

24 SENATOR GENTILE: First of all,
25 let me begin by saying with all the rancor and

1 political division I've seen in the last two
2 days here, it's refreshing to see that we
3 started today with the passing of a bill of my
4 freshman classmate and colleague, Senator Meier.

5 Mr. President, I want to
6 personally congratulate Senator Meier on the
7 passage of his first bill and I want to remind
8 Senator Meier that this is his classmate's first
9 amendment and -- in the New York State Senate
10 and remind him that I voted in the affirmative
11 on Senator Meier's first bill. So after today's
12 vote, may it be a day that Senator Meier and I
13 can talk about for years to come.

14 You know, it is also -- so let me
15 begin my explanation of my amendment by at least
16 in a bipartisan way congratulating the Senate
17 Majority for including in Senate 2-A the
18 phase-out of the sales tax on clothing less than
19 \$500.

20 You know, I'm happy to see that
21 we finally have gotten something on the floor
22 that talks about the repeal of the sales tax on
23 clothing, and it's the kind of -- it's the kind
24 of economic relief, tax relief that will drive
25 the economy in this state, something that I have

1 been talking about -- I've talked about to
2 repeal the sales tax for years. I've said it -
3 talked about it in my quest to become state
4 Senator. I've talked about it since my election
5 to the state Senate, and I'm happy to say that
6 my first bill that I introduced in this Senate
7 was to repeal the sales tax permanently in this
8 state, and I've done that because as an activist
9 in my community, I've heard for years the pleas
10 of business, to please keep New York shoppers
11 here in this state and I've heard the pleas from
12 New York consumers who say that if they had no
13 tax in this state, they would do their shopping
14 here.

15 So I'm glad to see at least now
16 in the Senate 2-A, there's a version of the
17 repeal of the sales tax, and I congratulate the
18 Majority for finally realizing that this is
19 something that needs to be put on the floor.

20 You know, there could be an
21 argument made that I should be content that
22 there's something in Senate 2-A about the repeal
23 of the sales tax and go home and be happy.
24 Well, you know, half a loaf might be good but
25 the type of loaf that's being offered really

1 doesn't -- doesn't effect what I want to effect
2 and that's an increase in jobs, an increase in
3 business in this state. To trickle down these
4 phasing out of the sales tax over a four-year
5 period does not give the economic shot in the
6 arm needed to create the jobs and keep the
7 business and consumers here in New York State.

8 So I am an optimist and I want to
9 turn on the economic faucet now, not in four
10 years. I want to repeal the sales tax now,
11 repeal the entire sales tax all year long, 52
12 weeks a year, no, nada, nothing now, and that is
13 what my amendment will do, and I trust in this
14 day of bipartisanship that we started with, that
15 all members will lay aside their party label and
16 really both be together, do something that New
17 Yorkers want us to do.

18 What my amendment will do is
19 repeal the sales tax on clothing and footwear
20 less than \$500 starting January 1st, 1998 and it
21 will maintain the one-week back to school week
22 that is in this Senate 2-A proposal for August
23 of '97.

24 Also, the amendment does not
25 change any of the Senate 2-A provisions that

1 would give localities the option to repeal or
2 reduce or phase out or even maintain their own
3 local sales tax on clothing. It gives my -- my
4 amendment still gives localities the freedom to
5 do what's best suited for them, just like Senate
6 2-A, and it's interesting that in my area, for
7 example, the mayor of the city of New York, I'm
8 thrilled to be on the same side as the city of
9 New York who said he would give -- he will use
10 the power that we give him to repeal the four
11 percent local sales tax. And why not? You
12 know, it's time that we start to bring business
13 back home today, not four years from now, bring
14 it back home from the nearby states that have no
15 sales tax in clothing that I believe, Mr.
16 President, that Senator Bruno referred to and we
17 don't need additional experimental weeks.

18 You know, New Yorkers welcomed
19 the tax-free week with open arms and open
20 wallets. It was very successful on a cold week
21 in mid-January. In fact, in my area, the
22 Brooklyn papers reported -- one of the Brooklyn
23 papers reported that "I'm daunted by
24 sub-freezing temperatures." "Thousands of
25 shoppers flocked to Bay Ridge to take advantage

1 of the extraordinary one-week sales tax
2 exemption on clothing." That was a January
3 report.

4 On Staten Island, in the Staten
5 Island newspaper, The Advance, The Staten Island
6 Advance reported that "the Staten Island Mall,
7 whose stores were jammed with shoppers and
8 parking lots overflowed with cars as if it were
9 the week before Christmas, two streets leading
10 to the mall, Forest Hill Road and Rockland
11 Avenue were backed up to the intersection of
12 Brielle Avenue. That's a change from other
13 weekends when many Staten Islanders trek over
14 three bridges to shop in New Jersey which
15 charges no sales tax on clothing every week of
16 the year, not just one week." That was from The
17 Staten Island Advance.

18 Do you hear the pleas of the
19 people? Do you hear the pleas of the people to
20 do it now -- to do it now and, you know, even
21 other political leaders, other Republican
22 leaders have jumped on board on this. As I say,
23 Republican Mayor Rudolph Giuliani has indicated
24 that retail jumped 94 percent during tax-free
25 week, Rudolph Giuliani, the mayor of the city of

1 New York.

2 The Republican leader of Nassau
3 County, Nassau County Executive Tom Gulotta,
4 jumps on the bandwagon against clothing sales
5 tax, Republican County Executive Tom Gulotta.
6 Even pleas from the Republican Borough President
7 of Staten Island, Guy Molinari. Borough
8 President Molinari has said "The Governor has
9 talked about phasing it out", meaning the sales
10 tax, "because he knows what a phenomenal success
11 this tax-free week is", Borough President
12 Molinari said yesterday, "but I'm going to tell
13 him it should be abolished right now to give us
14 the economic boost we need." That is from the
15 Republican Borough President from my area, Guy
16 Molinari.

17 You know, I hate to think that
18 these Republicans have gotten the message and we
19 in Senate have not, but it's unfortunate that
20 we're subjected to editorials that appear such
21 as the one that appeared recently in the Daily
22 News on March 13th concerning this issue and it
23 troubles me when I see editorials of this type.

24 The editorial from the Daily
25 News, a major New York paper, indicates "Albany

1 put shoppers on the rack" and I'll read you a
2 portion. It says "A motto of the state Senate.
3 Never do today what you can put off until
4 tomorrow." The latest example of the manana
5 philosophy, repeal of the sales tax on
6 clothing. "Oh, the Senate Republicans like the
7 idea but swiftness frightens them. Instead of
8 just killing the state's share of the tax
9 outright, they urge a slow death, a four-year
10 phase-out and more experiments with tax-free
11 weeks. What is this, a legislative body or the
12 Food and Drug Administration?" That's from the
13 Daily News editorial of March 13th.

14 I don't know about you,
15 colleagues, but it angers me when I hear that
16 this grand institution is being called timid,
17 that it is being called frightened. I don't
18 want this institution to be called timid or
19 frightened and the answer to that is to repeal
20 the sales tax now, starting January 1st of 1998
21 and we still need the sales tax-free week in
22 August for the back to school season this year.
23 That's no change, as I said, from our provision
24 of 2-A.

25 You know, just leaving the back

1 to school week is not enough. It leaves out too
2 many consumers. For example, back to school
3 week leaves out the parents of small children.

4 You know, put the four percent
5 sales tax in the pockets of the parents of small
6 children because it's time to buy shoes for the
7 baby. It's time to buy baby's shoes, not only
8 in January but in April and then in July and
9 then in October. It's time to buy baby's
10 shoes. It's time to buy the toddler new
11 clothes, maybe three or four times a year and
12 for those -- for those people, those seniors,
13 those people who are more senior than you,
14 people more senior than me, it's time to buy
15 necessities for those seniors, whether it be a
16 coat or shoes, whenever it's time to buy those
17 necessities.

18 The point is that we can't limit
19 the purchase times for these necessities.
20 Clothing and footwear, as we all acknowledge,
21 are not luxuries. Besides food, clothing and
22 footwear with basic for life and taxing basic
23 necessities, I think we can all agree, are
24 highly regressive and they hurt most of the
25 hard-working families and the seniors that we

1 all serve. So why do we need to do that to
2 them? Let's give them the opportunity to have
3 these necessities tax-free 52 weeks per year.

4 Take a minute now to look at the
5 business side of this proposal and see how the
6 S.2 plan, as proposed, is bad for business also.
7 It's bad for business because the scattered
8 sales tax-free weeks, the phase-in of the repeal
9 over four years does little or nothing for
10 business to attract shoppers to stay here in New
11 York rather than go across to other states.

12 The small savings over a
13 four-year period is not enough incentive for
14 businesses to have the shot in the arm that they
15 need and merchants know that. Merchants know
16 that money talks and customers walk. Customers
17 speak with their wallets. We all know that and
18 proof of that is only to look at the reaction of
19 New Jersey merchants during the sales tax-free
20 week back in January here in New York. New
21 Jersey merchants started to offer double back,
22 80 percent off, paid parking, paid tolls to keep
23 New Yorkers going to New Jersey and why not? 20
24 to 40 percent of the New Jersey retail market
25 depends on New York consumers. So all you have

1 to do is look at the New Jersey retail reaction
2 and know how important it is that we have a
3 sales tax-free week here in New York.

4 I guess, you know, sometimes we
5 have to look to our other states to kind of wake
6 us up, and I guess it was best said by a New
7 Jersey mayor, Perth Amboy Mayor Joseph Voss, who
8 put it this way about the sales tax-free week.

9 "Perth Amboy Mayor Joseph Voss put the issue in
10 perspective. He said, "We don't have a sales
11 tax on clothing ever", meaning New Jersey. "I
12 wish them", meaning New York, "I wish them the
13 best of luck. The taxpayers of New York deserve
14 a break. When is the New York government going
15 to see the light of day?" That's from a New
16 Jersey mayor.

17 Now, we all agree -- and I think
18 we can all agree that old habits die hard. For
19 my people in Brooklyn and in Staten Island, it's
20 no different. Old habits die hard. It's too
21 easy for them to revert to their old habits when
22 tax-free week is over and go back to their
23 shopping ways of the past. For my people, it's
24 easy. They jump in the car, take a short hop
25 across the bridge and all of a sudden they're in

1 the shopping mecca, the sprawling malls that are
2 known as tax-free New Jersey, the state of New
3 Jersey, not New York.

4 For Staten Islanders, it's just
5 as easy. They hop over the Goethals Bridge, the
6 Outer Bridge and in New Jersey in minutes and
7 we've lost them. We've lost them. They're in
8 New Jersey, and I'm sure that members here who
9 represent areas near sales tax-free states like
10 Connecticut and Pennsylvania have the same
11 problem with constituents in their areas leaving
12 New York to go to those sales tax-free areas.
13 So it is bad for business to do this over a
14 four-year period.

15 You know, this dilemma of
16 consumers and merchants has been heard by some
17 members here in the Senate. It has been heard
18 by some members of the Majority because several
19 of you in the Majority have heard those pleas
20 and you've introduced your own bills to repeal
21 the sales tax in one form or another and to
22 those members that Senators Marchi and Cook,
23 Senators Goodman and Trunzo, Senators Holland
24 and Present, to those Senators, I say Bravo,
25 Bravo. You heard the pleas and now I ask you to

1 join me in making those pleas reality by voting
2 for the amendment to S.2-A, the amendment that I
3 call the four percent solution. I call it that
4 because it keeps our economic activity in our
5 local communities right away not in four years.
6 The advantage is New York's. The cost to the
7 state in the next fiscal year between January
8 and April is 70- to \$100 million, easily covered
9 by the increase in economic activity, again,
10 advantage New York.

11 You know, I have been on the
12 campaign to repeal the sales tax over the last
13 several months. I've held tax sales repeal
14 rallies. I've had petitions signed. I talked
15 in the newspapers about the sales tax repeal and
16 my constituents know very much about this
17 proposal and these hard-working men and women of
18 Brooklyn and Staten Island have asked me several
19 times, "Senator, do you think we really can get
20 this done on the floor of the Senate this year?
21 Do you think we can really have this happen?
22 This would be so great. Do you think it will
23 happen", and I say to them, I respond to them by
24 saying, you know, at rare moments things can
25 happen in dramatic fashion in this state. So

1 stay tuned. This may be one of those moments,
2 and I say to them that keep the faith, keep the
3 hope.

4 Well, let's take that bold step
5 today, ladies and gentlemen. Let's not be
6 labeled as timid as the Daily News has labeled
7 us as timid. If we act affirmatively, we do
8 right for New York consumers. We do right for
9 merchants immediately, not four years from now.
10 Let's show New Yorkers we can unite as a group,
11 we can do it and do right for them. Let this
12 chamber show that as New Yorkers, we can pass
13 bipartisan -- bipartisan progressive tax relief
14 that we can be non-partisan when it comes to the
15 good and welfare of New Yorkers. Let this
16 chamber show that the spirit -- we can come
17 together, one and all, in support of this
18 amendment and may this be one of those rare
19 moments, colleagues, where dramatic things
20 happen. Let's pass this amendment.

21 ACTING PRESIDENT MARCELLINO: Any
22 other Senator wishing to be heard on the
23 amendment?

24 SENATOR GOLD: Yes, Mr.
25 President.

1 ACTING PRESIDENT MARCELLINO:

2 Senator Gold.

3 SENATOR GOLD: I promise to be
4 brief, but I can't help, Mr. President,
5 recalling something.

6 We, once a year, have a day,
7 Senator Lombardi did it and I think now Senator
8 Larkin does it, where we honor our wonderful
9 young people at West Point and we make quite a
10 to-do over them and we should. If the one day
11 that you see them here is not enough, right
12 before Christmas each year, if you want to
13 follow their bus from West Point to the Danbury
14 Mall where they do their Christmas shopping, you
15 can see these beautiful young faces for hours.

16 I happened to be there one
17 Christmas with my children and walking around,
18 as a tourist, Senator, and I was stunned. West
19 Point, New York -- and they don't take the bus
20 to New York. They don't take them to Exit 16
21 where you've got a big outlet store. They
22 transport these people to Danbury, Connecticut
23 to do all of their Christmas shopping. If that
24 is not a perfect example of why we should accept
25 this amendment and how important it is, I don't

1 know of any others.

2 I'm certainly going to support
3 this amendment.

4 ACTING PRESIDENT MARCELLINO:
5 Senator Bruno.

6 SENATOR BRUNO: Mr. President, I
7 just want to make a quick comment on this
8 amendment, and I will just repeat what I said
9 earlier. You want to cut taxes, we want to cut
10 taxes, and we will join you as long as you act
11 responsibly. What you're proposing, to
12 eliminate 550 million -- and that's a low
13 number. It's anywhere from that number to 700
14 million -- overnight is not responsible.

15 Mr. President, we phase out the
16 sales tax in our package over a period of five
17 years, doing something immediately and then
18 phasing it out over five years. If you do it in
19 an irresponsible way, all you'll be doing is
20 shifting the taxes to local property taxes.

21 Now, those of us that are in
22 upstate New York will feel that, you're right,
23 much more than you might downstate but the
24 people downstate will also feel it because you
25 have homeowners. You have property owners and

1 the revenue to support your local governments
2 has to come from somewhere. So we phase out our
3 \$2.5 billion package over a period of four, five
4 years. Mr. President, that's the responsible
5 way to cut taxes.

6 Now, when we talk about spending
7 or cutting -- I think one of my colleagues
8 talked about spending these tax cuts, spending
9 \$5 billion. We're not spending. We're
10 investing and there's a huge difference.
11 Spending is when you pass a budget, as the
12 Assembly has passed, that increases spending
13 over \$5 billion more than the Governor's
14 budget. That's spending in one year. That is
15 putting this state on the brink of bankruptcy.
16 That is returning to the failed ways of the
17 previous administration where we inherited a \$5
18 billion deficit when the new administration took
19 over.

20 So let's tell it like it is.
21 Let's posture for our constituencies, if that's
22 what we have to do but let us act responsibly.

23 SENATOR GOLD: Mr. President.

24 ACTING PRESIDENT MARCELLINO:

25 Senator Gold, why do you rise?

1 SENATOR GOLD: Would Senator
2 Bruno yield to what is really a short one
3 question?

4 ACTING PRESIDENT MARCELLINO:
5 Senator Bruno, do you yield to Senator Gold?

6 SENATOR BRUNO: Yes, Mr.
7 President.

8 ACTING PRESIDENT MARCELLINO:
9 Senator Gold, he yields.

10 SENATOR GOLD: Senator Bruno, you
11 said that the Assembly budget would bring us
12 back to old ways and is irresponsible. My only
13 question, Senator, is where's our budget?

14 SENATOR BRUNO: Our budget, Mr.
15 President, is waiting on the Assembly to come
16 down to the Governor and to us with a real
17 revenue number.

18 We passed a law in this chamber
19 that mandated us to have a consensus for
20 revenues for this state by March 10th. We have
21 a revenue forecast. The Governor has a revenue
22 forecast done with the help of experts and the
23 Assembly talks about a budget that spends \$5
24 billion. That's why we don't have a budget.
25 That's why there are no serious negotiations.

1 That's why we don't have a budget until the
2 Assembly recognizes that there is a limit on
3 spending and we cannot spend ourselves back into
4 the bankrupt ways of the past.

5 That's the long answer, Mr.
6 President.

7 SENATOR GOLD: Mr. President.

8 ACTING PRESIDENT MARCELLINO:
9 Senator Gold.

10 SENATOR GOLD: I kept my word and
11 it was a short question. Maybe I could ask one
12 other short question, if our Leader would yield.

13 ACTING PRESIDENT MARCELLINO:
14 Senator, you're going to break your word and ask
15 two questions.

16 SENATOR GOLD: If our Leader
17 would yield.

18 ACTING PRESIDENT MARCELLINO:
19 Senator Bruno, do you yield to Senator Gold?

20 SENATOR BRUNO: Yes, Mr.
21 President.

22 ACTING PRESIDENT MARCELLINO:
23 Senator Bruno yields.

24 SENATOR GOLD: Senator, you have
25 heard as much as I have heard members on your

1 side put out bills which our side characterizes
2 as one-house bills and your side says, Well, but
3 now it's out there and now we can negotiate and,
4 Senator, I don't know why that tactic is a
5 tactic that seems to be good for smaller issues
6 but not the budget.

7 Two years ago you put out a
8 budget and criticized the Assembly for not
9 having a budget. So, Senator, if the Assembly
10 is doing things that are not responsible and you
11 say that this Senate has a revenue estimate,
12 where is this Senate's budget so that the public
13 can take a look at our budget, the Senate's
14 budget, look at the Assembly budget and then put
15 together what's going on here and compare it
16 with the Governor's budget which everyone has
17 rejected?

18 SENATOR BRUNO: Mr. President,
19 we've been there. We've done that. You voted
20 against us last year when we did our one-house
21 budget. You voted against us the year before
22 when we did our one-house budget and what did we
23 accomplish, Mr. President? Two of the latest
24 budgets in the history of this state.

25 So we're easy, quick learners.

1 So we have learned that one-house budgets don't
2 work. I would have thought that the Assembly
3 might have learned that. I might have thought
4 that you might have learned that and, Senator
5 Gold, when you voted against that budget last
6 year and the year before, you were right. It
7 didn't work.

8 ACTING PRESIDENT MARCELLINO: On
9 the amendment, those in favor signify by saying
10 aye.

11 (Response of "Aye".)

12 Those opposed, nay.

13 (Response of "Nay".)

14 The amendment is defeated.

15 We're back on the bill.

16 Senator Connor.

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

19 If I may close for the Minority.
20 Today the Senate will be doubling their work
21 output on the current year's budget that's
22 already late. We did S.1 two weeks ago and now
23 we take up a second disembodied one-house bill.
24 Together these two bills cost more than \$5
25 billion over five years. What Senator Bruno

1 calls phasing in, we call backloading and,
2 indeed, if one criticizes the Assembly for
3 having some backloaded spending plans that also
4 over the next four years or so add up to \$5
5 billion, I say why don't we deal, instead of
6 worrying about backloading everything -- because
7 these are really press releases -- backloading
8 everything, why don't we deal with the budget
9 with our job this year. Let the Legislature
10 that it's elected two or three years from now
11 deal with the problems then and meet our
12 responsibilities to have a budget that's already
13 late?

14 The major difference between the
15 two houses is that the Assembly had the courage
16 to pass a budget, agree with it or not, and I
17 remember two years ago when the second floor and
18 this house -- and I think people even made up
19 badges that said, "Where are your numbers,
20 Shelly? Where is your budget, Shelly" and
21 heavily criticized in the late budget process,
22 the post-April 1st time period which we're in
23 now, the fact that the Assembly didn't do their
24 budget, and there were calls for reform from
25 this house, from the Majority in this house and

1 from the Governor. Well, the Assembly should do
2 their budget. The Senate's done their budget
3 and we should have Conference Committees and
4 this will solve -- this will solve what I
5 believe it was Governor Pataki criticized as the
6 three men in a room with a budget syndrome which
7 the public of this state is, frankly, thoroughly
8 disgusted with, and I dare say a large
9 proportion of the members of the Legislature, if
10 not publicly, privately agree, that there's good
11 reason for disgust.

12 In this house, there's no known
13 budget. The Republican Majority here continues
14 to fiddle while the budget is not done. There's
15 no known restoration for education or for health
16 care from this Majority, none that we know. We
17 know what the Governor would do clearly.
18 Clearly the Majority will not embrace and pass
19 the Governor's budget. They didn't do it last
20 year. We won't do it this year. What's the
21 plan? What's the plan for education? What's
22 the plan for health care? Tell us. Bring it
23 out here. We may agree. We may not agree but
24 we'll vote on it. That's why we're elected to
25 be here and if it's different from what the

1 Assembly views, have a Conference Committee. We
2 have very, very able members of this house who
3 serve on the Finance Committee. I'm sure we can
4 put together a Conference Committee that would
5 work this out in the light of day, with public
6 comment, with public scrutiny. Even the members
7 will get to see what's going on before the 11th
8 hour.

9 There's no balanced financial
10 plan being offered by the Majority that says it
11 leads this house. There is no context for
12 anything we're doing, no planning, no
13 leadership, no budget. I say to the Majority,
14 where is your budget? Where are your numbers?
15 Why are we drifting aimlessly in this house?
16 Where is the commitment to the Conference
17 Committees, the new budget reforms which the
18 Majority talked so loudly about in the last two
19 years? Why aren't we doing it?

20 Indeed, if I may digress, I was
21 happy to hear Senator Bruno the day before
22 yesterday saying to those tenants, Don't worry.
23 In a couple of weeks, we'll bring out to the
24 Senate floor the Majority's view of what rent
25 regulations should be and then we'll have

1 Conference Committees. Do it. I invite you in
2 the next two or three weeks, Senator Bruno.
3 Bring your plan for the tenants -- for the 2.8
4 million tenants to the floor. See if you can
5 pass ending rent regulations on this floor and
6 if you have 31 votes to do that, then we'll go
7 to Conference Committee. The Speaker has called
8 for a Conference Committee on it but this house
9 must act first and it must pass something that
10 31 members agree to.

11 So I look forward to the Majority
12 presenting their rent regulation bill and
13 passing it on this floor -- yes. Well, Senator
14 Bruno, you said that you would have your bill.
15 It would come out in a few weeks. Bring it out
16 and see if you can pass it. See if you can pass
17 it. See if all those good Senators in the
18 Majority will stick with you on that procedure
19 and if you do pass what you want to do,
20 conference it with the Assembly. Put a
21 Conference Committee together.

22 Similarly on the budget, make it
23 happen now. Make this new process happen. Pass
24 your budget. It's already late, Senator. It's
25 already late.

1 When the current six-week
2 extender expires, we'll be moving into the
3 period when school budgets are planned and
4 passed. Once again, school districts will have
5 to borrow and once again the Majority won't even
6 acknowledge the liability for the interest
7 costs. Go back to, I believe it was
8 Washingtonville where they tried to send us all
9 a bill and tell them we've done it again and the
10 Senate didn't even pass a one-house budget this
11 time.

12 Why is he so determined to convey
13 to Wall Street that we deserve the second lowest
14 bond rating in the nation, because of our
15 inability to have the political and fiscal will
16 to do the responsible thing and have a real
17 budget process, and I tell you, I took heart two
18 years ago when this Majority passed their one
19 house and they threw stones for weeks at the
20 Assembly for not acting and then we came back
21 the next year and I thought, you know, this is
22 going to work. It's going to suddenly be that
23 politically -- politically, each house will have
24 to pass its view of the budget and then we'll
25 have Conference Committees and the public will

1 see the light of day on at least a little bit of
2 what we do here.

3 Instead the Majority here takes
4 three giant steps backwards and won't even do a
5 budget bill, won't even do a budget, a real
6 budget. Instead we get more and more and, Mr.
7 President, as to the numbers, the Assembly's
8 one-house budget provides two billion more in
9 revenues. They have a revenue number and it
10 moves, what we call move money. It transfers \$1
11 billion in spending and it restores a billion
12 and a half in cuts and provides a half a billion
13 dollars for tax cuts.

14 The Republicans say this is three
15 billion more in spending? Well, the Assembly
16 tells us where the revenues are. They tell us
17 what money they'll transfer and what they'll
18 give as tax cuts. That's a budget.

19 Where is our budget? Instead,
20 no, S.1, S.2, press releases. The Majority,
21 they're for tax cuts, tax cuts, tax cuts and we
22 all know in the dark of night, three men in a
23 room with a budget, this Majority, year after
24 year after year has driven spending through the
25 ceilings. That's what's really happening. Talk

1 tax cuts, talk tax cuts, spend, spend, spend.
2 That's what's happened in this house and we all
3 know it.

4 The fact is, Mr. President, I
5 call upon the Majority while we're here, while
6 we're late, pass your budget and have an open
7 process.

8 Now, Mr. President, on the
9 current bill, the current bill is chock full of
10 apple pie, motherhood. It's a press release.
11 It's a press release that says you want tax
12 cuts. You don't tell us how you'll pay for it.
13 You backload it. Some future Legislature will
14 have to worry about the fiscal impacts but, Mr.
15 President -- Mr. President, I wasn't born
16 yesterday politically. I don't vote against
17 popular press releases. I wish we were voting
18 on a real budget with a real fiscal plan. That
19 would be the responsible thing to do but, Mr.
20 President, I say to the Majority, you're -- you
21 claim the responsibility of running this house.
22 I urge you to be responsible. When you put out
23 press releases to catch the headlines about tax
24 cuts, I'm not going to try and stand in the way
25 of that kind of gimmickry.

1 The other day, we heard Senator
2 Bruno characterize a very serious motion to
3 discharge which would have relieved the fear and
4 anxiety of 2.8 million tenants in New York as
5 posturing, as a political game. Well, Mr.
6 President, I can't imagine what's more of a
7 political game than billions of dollars in tax
8 cuts that some day may be kicked in, backloaded
9 for three or four years, but if those are the
10 kind of games we want to play here, I'm for tax
11 cuts too, Mr. President. Tax cuts are great.
12 You'll never get me saying I'm not for tax cuts.

13 Thank you.

14 ACTING PRESIDENT MARCELLINO:
15 Senator Stafford.

16 SENATOR STAFFORD: Mr. President,
17 I'll be -- before our Leader continues his
18 excellent presentation and closes debate -- and
19 I mean excellent presentation -- I'm going to be
20 a bit historical and make maybe a broad stroke
21 with a conceptual brush.

22 I'm reminded of the 1990 -- no,
23 1966 transit strike. I wouldn't say anything
24 like this, of course, but I'm reminded of this.
25 Somebody on that side of the aisle was ranting

1 and raving and got so frustrated -- his name was
2 Tommy. I won't tell you who it is, but if you
3 looked up in '66, you'll figure out who probably
4 it was and he pointed at one of us on the other
5 side of the aisle and he said, "You know
6 something? I hope you never get near a window
7 because if you do, you slip out, you'll go up."
8 I wouldn't say that, of course, but I want you
9 to know that I thought about it after listening
10 to some of this nonsense -- excuse me -- that I
11 have been listening to the past three -- leave
12 it at three -- three days. If it hurts a
13 little, it is meant to.

14 Get with it. There isn't one
15 person in here who isn't a political animal,
16 your speaker included, probably more so than
17 others, but some of the things I've seen and
18 listened to the last two, three days have made
19 me realize why the electorate sometimes has the
20 opinion of some of us they do.

21 I was told before I stood up,
22 don't offend anyone. I said I won't.

23 SENATOR GOLD: Not everyone.

24 SENATOR STAFFORD: You got it.

25 You got it.

1 Mr. President, we had a great
2 locomotive in this state, our economic
3 locomotive, but every locomotive has to have
4 engines and the engines of the economic
5 locomotive here in this state are jobs that our
6 Leader has talked about, done something about
7 with Governor Pataki.

8 Governor Pataki, Senator Bruno,
9 the Senate and, yes, the Assembly -- and, yes,
10 the Assembly have turned us around. I'm going
11 to be a little bipartisan here -- just a little,
12 but you know exactly -- not too much, but there
13 was a governor before Governor Carey took over.
14 This gentleman, many others supported that
15 governor and he was a great governor but
16 mistakes have been made. We all realized that
17 and we started a trend. I'm trying to get the
18 year right now. 1960 -- 59. I think we had one
19 of the biggest tax increases that this state and
20 this nation, frankly, percentagewise, had ever
21 been passed.

22 I supported that person. I
23 supported him afterwards. I would have
24 supported him for President and it's too bad he
25 wasn't President because this country would have

1 been a lot better off, in my opinion. That's
2 only my opinion, but you know what? We started
3 a trend there and it never stopped and we had
4 both parties involved. We had both parties
5 involved. We had -- in 1965, we had one party
6 in control. 1966, this house was taken over by
7 one party. The other house stayed over there
8 with another party and we all kept moving. We
9 all kept going but we kept going up, up, up and
10 we were putting the state down the drain.

11 Now, I don't mean some of the
12 things we were spending on weren't good. They
13 were. You can smirk, but if you think back a
14 few minutes, you'll realize a lot of what we
15 were doing was good but we were putting this
16 state down the drain because people were leaving
17 and all of our districts that were involved in
18 business, they were leaving, my district, your
19 district, every district and practically anybody
20 you talked to in business, they would say, we
21 can't do business in this state and we laugh,
22 all of us, both parties.

23 Then in 1990... I'm going to get
24 the date right -- in 1994, the people of this
25 state said, yes, we are going in the wrong

1 direction. We are spending too much, spending
2 on some good things, mind you, on a lot of good
3 things and very, very frankly, I was right there
4 wanting to spend on a lot of good things, but
5 you know what? If we hadn't turned around with
6 Governor Pataki, with Senator Bruno and we
7 hadn't had the budgets and had the legislation
8 that passed in the last two years, that state
9 was going down the drain and if you don't
10 believe it, all you got to look -- again, the
11 numbers, the 550,000 jobs within the last few
12 years that we lost, 165 jobs we increased. We
13 can debate the numbers but we all know the trend
14 is going the right way now. 4-, \$5 billion
15 budget deficits -- I'm not saying that deficits,
16 maybe you couldn't argue that they were spent on
17 good things, but you can say it would be great
18 if we could have an education system where we
19 had one teacher for every student. I know I
20 needed it but you can't do it. It doesn't make
21 sense economically and some of the things we
22 have done in the past, not 20 years, the past 36
23 years, 38 years, some of the things we were
24 doing didn't make any more sense economically
25 than having a teacher for every student in the

1 state. We made some tough, tough decisions.
2 We've made some tough decisions and we finally
3 got the locomotive moving.

4 I'm old enough to remember when
5 you ran down to the track to see the locomotive
6 running, I remember the first time the diesel
7 engine came to Dannemora -- I was on the outside
8 -- and it was quite a day, quite a day to see
9 that diesel engine -- or see that diesel
10 locomotive with all those engines going, but
11 we're finally increasing the engines, the number
12 of engines that we have to get this locomotive
13 going and, frankly, I think everyone, all of us,
14 we're not going to agree on everything, but we
15 have to compliment our Majority Leader, our
16 Governor and, again, with the budgets we've had
17 the last couple of years, it's been with the
18 Assembly.

19 Now, I have often said here
20 sometimes one man's floor is another man's
21 ceiling. Unless we realize there's a ceiling to
22 what we spend and not do what's being done over
23 there right now -- and, yes, I'm being direct,
24 but they're getting back to the magic number, \$5
25 billion, \$6 billion, if you really looked at it

1 more than we're taking in. We can't spend more
2 than we take in and unless we stop trying to
3 take in as much, we're going to get right back
4 on that other track and start going again and I
5 use these terms because I think it's right, down
6 the drain.

7 Mr. President, our Leader has
8 explained it well, but I have to say that this
9 state is now -- eighth was mentioned -
10 increasing jobs right now. We did reduce taxes
11 more than all the states combined in the nation
12 last year and this state is going to be better
13 and we're going to get healthy. We're going to
14 be the Empire State and in conclusion, let me
15 emphasize this, something I said to the people
16 in the Education Department the other day.

17 You know, sometimes all of us, we
18 forget this. We had the best educational system
19 of this state before the administration over
20 there right now and we'll have the best after
21 they leave, and we can go -- even though the
22 problems we had and where we were going
23 economically, unless we turned it around, we
24 still had the Empire State but it's this
25 legislation which has been explained so well by

1 the Leader, Senator Bruno. It's this
2 legislation which is going to keep this state
3 the Empire State and make it a better Empire
4 State.

5 Thank you, Mr. President.

6 ACTING PRESIDENT MARCELLINO:

7 Senator Bruno, to close for the Majority.

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

10 Our very experienced senior only
11 in the years that he serves here in the Senate,
12 I think, has done an outstanding job of summing
13 up what our discussion has been about, where we
14 have been and where we're going, and I thank him
15 for that. Thank you, Senator Stafford.

16 I am not going to belabor to
17 close. I'm just going to answer very directly
18 the Minority Leader when he talks about doing
19 one-house budgets, going to Conference
20 Committees. Maybe you weren't listening,
21 Senator. We passed one-house budgets last
22 year. We passed them the year before and we
23 broke the records for late budgets in this
24 state. So we're not going to do that again, but
25 we will pass a budget in this state when the

1 Assembly understands that we will not, in this
2 house, agree to spend ourselves back into the
3 bankrupt ways of the Cuomo administration -
4 bankrupt.

5 When Governor Pataki took over,
6 this state was bankrupt, a \$5 billion deficit by
7 overspending, overtaxing, over-regulating. I am
8 embarrassed, Mr. President, when I hear my
9 colleagues on this side of the aisle talk about
10 returning to those failed ways of the past. You
11 want to return? You want to be there? I don't.

12 We're going to go forward. We've
13 left that behind us, thanks to the good Lord and
14 the intelligence of the majority of the voters
15 in this state who had enough. They spoke out.
16 They said we have had enough of 12 years of
17 Democrats spending us into bankruptcy and they
18 made a change and the change has been a
19 worthwhile, fruitful change because now we've
20 recovered our posture in this state. We are
21 taking a leadership position and we've done it
22 by being responsible.

23 So we'll be responsible. The law
24 of this state says that by March 10th, we will
25 agree on a revenue number available for spending

1 in the budget number. The Governor and we can
2 agree. The Assembly will not agree. Their
3 answer has been to pass a budget that spends 5
4 to \$6 billion more than the Governor feels is
5 available.

6 Now, how do you do that? Now, we
7 would love to join, if we wanted to be
8 irresponsible, with the other side and throw \$1
9 billion into this restoration or program, \$1
10 billion into this one, a half a billion here.
11 You need two billion here. We all love to do
12 that when we're grandstanding, when we're
13 posturing. We are not going to do that on this
14 side of the aisle. We'll leave that to you, if
15 you want to follow the lead of spending this
16 state back into bankruptcy but since we have a
17 Governor that is responsible, that's providing
18 the leadership, that's holding the line on
19 spending, that's leading the country in cutting
20 taxes, we're going to stay with the Governor.
21 We're going to be responsible and we're going to
22 go forward. So we won't agree on a budget until
23 we get a revenue number. I don't know how on
24 earth anyone in your families, in your
25 businesses, in your professions, how you agree

1 on a budget if you don't know what revenue is
2 coming in. How do you do a budget?

3 So, Mr. President, we're waiting
4 for something responsible to come out of the
5 discussions, out of maybe this debate and then
6 we will go forward, but this package before us,
7 I urge everyone in this chamber to support
8 because it is a phase-out of a tax package over
9 five years. It helps the people of this state
10 enjoy an improved quality of life and that's
11 what we're all elected to do.

12 Thank you, Mr. President.

13 SENATOR CONNOR: Mr. President.

14 ACTING PRESIDENT MARCELLINO:
15 Senator Connor.

16 SENATOR CONNOR: I listened very
17 carefully to Senator Bruno and I'm delighted,
18 and I think perhaps -

19 SENATOR BRUNO: Can we close
20 debate?

21 ACTING PRESIDENT MARCELLINO:
22 Senator Connor, you closed for the Minority.
23 Senator Bruno closed. If you wish to explain
24 your vote -

25 SENATOR CONNOR: Yes, I do.

1 ACTING PRESIDENT MARCELLINO: -
2 we'll let you do that when we call the -

3 SENATOR BRUNO: Read the last
4 section.

5 ACTING PRESIDENT MARCELLINO:
6 Last section read, please.

7 THE SECRETARY: Sections 101
8 through 104 of this act shall take effect June
9 1st, 1997.

10 ACTING PRESIDENT MARCELLINO:
11 Call the roll.

12 (The Secretary called the roll.)

13 SENATOR CONNOR: Mr. President.

14 ACTING PRESIDENT MARCELLINO:
15 Senator Connor, to explain his vote.

16 SENATOR CONNOR: Thank you, Mr.
17 President.

18 I am delighted. I just heard
19 good news here. It may move the process
20 forward. For the first time I heard Senator
21 Bruno say, we can agree with the Governor on a
22 number.

23 Mr. President, if Senator Bruno
24 would tell us what the number is that he's
25 agreed -- that the Majority's agreed with on the

1 Governor for revenue, I'll be happy to go -- use
2 my good offices and go across the Capitol and
3 sit with the Speaker and see if we can get
4 negotiations going, but I would like to know
5 what is that number, Mr. President? What is the
6 number the Majority can agree with the Governor
7 on as to revenues? It's the first I've heard
8 they have the same number. I think it's big
9 news for everybody here in Albany and I would
10 like to hear it. I would like to see next week
11 the Majority's, based on that number, they can
12 agree with on the Governor, the Majority put out
13 their one-house budget and we'll move this
14 process along and maybe May 1st can be the magic
15 date.

16 Thank you, Mr. President.

17 ACTING PRESIDENT MARCELLINO:

18 Announce the results.

19 SENATOR CONNOR: I vote aye, Mr.

20 President.

21 SENATOR GOLD: Mr. President.

22 ACTING PRESIDENT MARCELLINO:

23 Senator Gold, to explain his vote.

24 SENATOR GOLD: Yes. Mr.

25 President, I understand that my Leader has just

1 voted yes and a lot of the colleagues on this
2 side I think will vote yes on this bill and take
3 the opportunity to do the same public statement
4 as the Majority.

5 I, on the other hand, Mr.
6 President, think I have a little different
7 responsibility. I, first of all, thank Senator
8 Stafford.

9 Senator Stafford, every once in a
10 while, Senator Stafford, in your humor you get
11 serious and I want to be serious. I thought the
12 statement you made today was one of the best
13 statements you've made today, Senator, and I
14 appreciate the fact that you said "we" because a
15 lot of people on your side cringe at the thought
16 that they could have done something that they
17 might think is wrong and have to admit it at
18 some point. You have my admiration, Senator
19 Stafford, for that statement.

20 But the bottom line here is that
21 the Assembly is being criticized for supposedly
22 spending \$5 billion more but the Senate will not
23 criticize itself for putting in tax bills which,
24 if you add them up, are the same \$5 billion and
25 my feeling is that some of the words that come

1 from our distinguished Leader don't make sense.

2 We talk about the leadership of
3 Governor Pataki for two years, three years and
4 yet the fact is that Senator DeFrancisco said in
5 response to my question, he would not vote for
6 the Governor's budget. Senator Bruno last year
7 would not put out the Governor's budget.

8 Senator Bruno this year will not put out the
9 Governor's budget. That's not leadership. It's
10 rejection. That's what it is. It's rejection.

11 If you want to say that the
12 Governor's budget is a starting point, you don't
13 have to tell me that. By constitutional
14 mandate, the Governor must file a budget but
15 hopefully it's a serious budget. Hopefully it's
16 a budget that shows leadership. If it's
17 rejected by his own party, why do you say it's
18 leadership?

19 Last year when you did put out a
20 budget in this house, you overspent the
21 Governor's budget by, I think over \$1 billion.
22 When you finally agreed with the Governor and
23 the Assembly on a budget, that was about, I
24 think 900 million more than the Governor.

25 So we haven't accepted any

1 leadership from this Governor. The Governor put
2 in a budget which we know is terrible. It would
3 hurt school children, et cetera, et cetera, et
4 cetera, and we reject it. So where's the
5 leadership? Where are the on time budgets?
6 There is no leadership. I will
7 tell -

8 ACTING PRESIDENT MARCELLINO:
9 Senator Gold, two minutes to explain your vote
10 is -

11 SENATOR GOLD: It's getting near.

12 ACTING PRESIDENT MARCELLINO:
13 It's there, sir.

14 SENATOR GOLD: Thank you.

15 I would just say that Dan Walsh
16 and the Business Council are sophisticated
17 people. I will vote for tax cuts when I see a
18 total budget. I think I am doing a disservice
19 to the opportunity I have been given by my party
20 to be the ranking on Finance and when I see a
21 total budget, I will embrace tax cuts or
22 whatever else is part of a total plan.

23 I vote no.

24 ACTING PRESIDENT MARCELLINO:
25 Announce the results -- Senator Stavisky to

1 explain. Oh, he wants to vote no.

2 SENATOR BRUNO: Announce the
3 results.

4 ACTING PRESIDENT MARCELLINO:
5 Senator Hoffmann, to explain her vote.

6 SENATOR HOFFMANN: I am delighted
7 to vote on a tax cut package. I just wished
8 that I was not being forced to vote in a vacuum
9 on a disembodied piece of legislation that has
10 absolutely no meaning outside the paper that
11 it's printed on for distribution to the press.

12 As a member of the Finance
13 Committee, I wish that we could sit and reason
14 together as intelligent men and women with the
15 responsibility with which we are empowered and
16 come up with the numbers that would make some
17 sense to the people at home.

18 It is terribly frustrating to try
19 to return to Central New York to the three
20 county district that I represent and explain to
21 people that it's a Republican proposal or a
22 Democratic proposal because the people in
23 Central New York -- maybe this is not true for
24 the rest of the state but at least in Central
25 New York, the people there do not think as

1 Republicans or Democrats when they sit down to
2 do their household finances and they do not
3 think about Republican and Democratic theology
4 and bean counting when they are putting together
5 school district budgets.

6 This past week I met with eight
7 different school superintendents, all of whom
8 explained in careful detail how there is real
9 pain for their school districts, real pain
10 measured in dollars and cents and human
11 suffering because of our failure to negotiate
12 and enact a budget in a timely fashion.

13 This maneuver today does not
14 bring us one step closer to having a real budget
15 in a timely manner and it once again creates a
16 question of our credibility and our ability to
17 function in the job to which we are elected. We
18 bring ourselves perilously close to major revolt
19 by the taxpayers of this state by this time of
20 posturing and grandstanding.

21 I noted in the paper today that
22 there's a wonderful picture of Senator Bruno and
23 I'm pleased to see that Senator Bruno is
24 characterized riding a horse and showing his
25 relationship with the land. As an upstater, as

1 someone who owns horses of her own, I'm pleased
2 that we have leadership in this house that
3 understands the whole sum of the state or at
4 least a portion of the state that's sometimes
5 ignored but what forum do we have where we can
6 bring these disparate parts of the state
7 together for some reason?

8 ACTING PRESIDENT MARCELLINO:
9 Senator Hoffmann.

10 SENATOR HOFFMANN: Must we
11 lambast each other in this type of partisan
12 charade.

13 ACTING PRESIDENT MARCELLINO: How
14 do you vote?

15 SENATOR HOFFMANN: I vote aye.

16 ACTING PRESIDENT MARCELLINO:
17 Announce the results, please.

18 THE SECRETARY: Ayes 54, nays 2,
19 Senator Gold and Stavisky recorded in the
20 negative.

21 ACTING PRESIDENT MARCELLINO: The
22 bill is passed.

23 Senator, we have no other
24 housekeeping.

25 SENATOR BRUNO: Is there

1 housekeeping at the desk, Mr. President?

2 ACTING PRESIDENT MARCELLINO:

3 There is none.

4 SENATOR BRUNO: There being no
5 further business to come before the Senate -

6 SENATOR MONTGOMERY: Excuse me,
7 Mr. Majority Leader. I would like to register a
8 negative vote.

9 SENATOR BRUNO: Mr. President.

10 ACTING PRESIDENT MARCELLINO:
11 Senator Montgomery will be counted in the
12 negative.

13 SENATOR MONTGOMERY: Mr.
14 President, I would like to have unanimous
15 consent to be recorded in the negative on
16 Calendars Number 307 and 491.

17 ACTING PRESIDENT MARCELLINO:
18 Without objection.

19 SENATOR MONTGOMERY: Thank you.
20 Senator Bruno -- Senator Mendez.

21 SENATOR MENDEZ: Mr. President,
22 I'm requesting unanimous consent to be recorded
23 in the negative on Bill Number 307.

24 ACTING PRESIDENT MARCELLINO:
25 Without objection.

1 SENATOR MENDEZ: Thank you.

2 ACTING PRESIDENT MARCELLINO:

3 Senator Bruno.

4 SENATOR BRUNO: Mr. President.

5 ACTING PRESIDENT MARCELLINO: We
6 have no housekeeping and the calendar is over,
7 sir.

8 SENATOR BRUNO: Mr. President,
9 there being no further business to come before
10 the Senate, I would move that we stand adjourned
11 until Monday at 3:00 p.m., intervening days to
12 be legislative days.

13 ACTING PRESIDENT MARCELLINO: The
14 Senate will stand adjourned until Monday, April
15 14th, at 3:00 p.m., intervening days to be
16 legislative days.

17 (Whereupon, at 12:47 p.m., the
18 Senate adjourned.)

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