ALBANY, NEW YORK

March 29, 1993

3:08 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: Senate will come to order. Senators will find their seats.

If you will please rise with me for the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT FARLEY: Today, in the absence of visiting clergy, we will bow our heads for a moment of silence.

(Whereupon, there was a moment of silence.)

Secretary will begin by reading the journal.

THE SECRETARY: In Senate, Sunday, March 28. The Senate met pursuant to adjournment. Senator Farley in the chair upon designation of the Temporary President. The Journal of Saturday, March 27, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand approved as

read.

The order of business:

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Present.

SENATOR PRESENT: Mr. President. On behalf of Senator Marino, I offer up the following privileged resolution and ask that it be read.

ACTING PRESIDENT FARLEY: The entire resolution, Senator?

SENATOR PRESENT: Please.

ACTING PRESIDENT FARLEY: The Secretary will read Senator Marino's resolution.

THE SECRETARY: Legislative Resolution, by Senators Marino, Hannon, Daly and all members of the Senate, mourning the death of

Thornton G. Edwards, distinguished citizen and philanthropist.

Whereas, it is the custom of this legislative body to mourn publicly the death of prominent citizens of the state of New York whose life work and civic endeavor served to enhance the reputation of the state.

Thornton G. Edwards, an assistant counsel to three New York State Senate Majority Leaders, passed away at his retirement home in Boca Raton, Florida, at the age of 66.

Thornton G. Edwards distinguished himself by his sincere dedication and substantial contribution to the well welfare of his community.

Thornton G. Edwards was a unique public servant who applied his keen intellect and insight to a wide range of complex public policy issues.

Thornton Edwards' spirit of humanity, of devotion to the good of all, carried over into all fields of enterprise.

Born in Manchester, New

Hampshire, Thornton Edwards was an assistant counsel to former Senate Majority Leader Earl Brydges, when he drafted the legislation creating the State of New York Mortgage Agency in 1970; he was appointed by former Governor Nelson Rockefeller as the agency's first chairman later that year and remained in that capacity until 1974.

Thornton Edwards also served from 1983 to 1992 as an assistant counsel to the former Senate Majority Leader Warren M. Anderson and to current Majority Leader, Ralph J. Marino.

A 1949 graduate of Harvard Law School, Thornton Edwards graduated from Phillips Exeter Academy and attended Harvard University before receiving his Bachelor of Science in Naval Science from Tufts College in 1945; he was an officer in the United States Naval Reserve in 1945-46 and attended the Naval Intelligence School in 1952.

Admitted to the bar in 1949, Thornton Edwards began his legal career with Root, Ballantine, Harlan, Bushby and Palmer and

later became an associate and partner in the firm of Hodgson, Russ, Andrews, Woods and Goodyear in Buffalo, New York; he was a partner with Sykes, Galloway and Dikeman in New York City and then a partner in the firm of Willkie, Farr and Gallagher from 1976 to 1983.

Thornton Edwards was formerly a law lecturer at the University of Buffalo, a member of the Governor's Judicial Nominating Committee for the First Judicial Department, counsel to the Erie County Republican Committee from 1965 to 1970 and a counsel on taxation and finance matters to the New York State Constitutional Convention in 1967.

Thornton Edwards' wealth of knowledge and experience, thoughtfulness and persistent determination, made him a natural leader, and people of all political persuasions gravitated to him for his advice and counsel; he was a mentor and a teacher to scores of people in state government and in the legal profession.

Thornton Edwards' commitment to

excellence was renowned and he inspired competence in others; work and service was his passion, yet he delighted in a good story and a moment of laughter; those who knew him learned to look for the telltale twinkle in his eye, lurking behind his understated Yankee demeanor; he always made time for his friends.

Thornton Edwards loved his family deeply and is survived by his widow, Phyllis Edwards of Boca Raton; two daughters, Heather Edwards and Gale Clement, both of Seattle, Washington; two sons, Scott and Bret, both of San Francisco; a stepson, Kurt Wittek, also of San Francisco; and three grandchildren.

Now, therefore, be it resolved that this legislative body pause in its deliberations to mourn the death of Thornton G. Edwards, distinguished citizen and philanthropist; he will be missed by all those who value intelligence, compassion, and good old common sense; and

Be it further resolved, that a copy of this resolution, suitably engrossed, be

transmitted to the family of Thornton G. Edwards.

ACTING PRESIDENT FARLEY: Senator Daly on the resolution.

SENATOR DALY: Mr. President. I had the honor of working very close with Thorn Edwards for the last 12 years when I served both as chairman of the Housing Committee and the Corporations Committee, and Thorn represented the Majority Leader in both areas.

Mr. President. We take as fact that Thorn Edwards was an exceptionally competent and knowledgeable counsel. The record clearly shows that. Father of SONYMA, its first chairman, his service as counsel to three majority leaders, his accomplishments in private life.

What the record does not show, Mr. President, is Thorn Edwards the man. Thorn was a man of no pretentions, a quiet and gentle man, but firm and truthful both in principle and in practice, who would not back off when he was convinced he was right.

A most enjoyable companion who loved the fellowship here in Albany, a man who could laugh at himself, a man who always carried with him a quick and warm smile and twinkling eyes.

It has been said, Mr. President, that you judge a man best by his friends and the respect and admiration that they have for him. By this mark, Thorn Edwards was an exceptionally successful human being, a most loved and appreciated human being.

He is a man I will never forget, and I am sure a man who will not be forgotten by many, many others. To his wife, Phyllis, his sons and daughters, grandchildren, my sympathy.

ACTING PRESIDENT FARLEY: Senator Cook.

SENATOR COOK: Mr. President. I was not as well acquainted with Thorn as Senator Daly and others, but I simply wanted the record to indicate that through the years during the time that I was chairman of the Local Government Committee that he, on numerous occasions, was so

forthcoming and with cooperation and good advice and counsel that much of what I have been able to do through the years is really directly attributable to Thorn's good help and advice and counsel. And this institution and the people of the state are going to miss him.

ACTING PRESIDENT FARLEY: Senator Hannon and then Senator Marchi.

SENATOR HANNON: Mr. President. Today, people in this chamber and of the Legislature in this state are much poorer because of Thorn's passing.

He was a man who was devoted to public service. And he had accomplishments in the private sector; but if he had remained there, he would be without substantial improvements in things we do for public financing, things that touch the very tenor of the life of so many millions of people in this state -- housing, water, sewerage.

He was challenged by the things that we do in governing this great state; and through those challenges, he enriched us and he

enriched the state by bringing to them a high sense of craftsmanship, a high sense of duty, and a high sense of devotion. He had a determination that made him a natural leader and drew to him people of all political persuasions so that they could gain from him advice and counsel.

He had a commitment to excellence that was renowned and he inspired excellence in others by gentle questions, by examples.

And he also had an ability at very quiet times to have a twinkle in his eye and to say with some understated words some very humorous comments about the situation.

And so, today, I join with the members of this chamber in conveying our sense of loss and regrets and sorrow to his widow, Phyllis, who is with us today, and to his children, daughters, sons and grandchildren, that we truly regret his passing.

And we, as representing some of the people of this state, were the better for his service to all of the people.

Thank you.

ACTING PRESIDENT FARLEY: Senator Marchi.

SENATOR MARCHI: Mr. President. There is a common thread that seems to underscore all of the speakers that have spoken of Thorn Edwards.

My friendship with him goes back almost a quarter of a century, and all of these warm personal qualities are the ones that perhaps have made their biggest impact. Here was an individual with an extraordinary range of command in various disciplines and was so helpful in a creative way in work that we did together. It was just a beneficial experience to have that as a resource in the Senate.

And most of us who have had personal contact with him over the years can attest to the fact that it was a very positive thing. Unprepossessing with a disarming simplicity, wonderful family person, everything that you could possibly associate with an individual who did not evidence any pomp or any

sense of self-aggrandizement, yet at the same time he contributed so richly to the work we were doing and to the whole process of interaction in an institutional sense here in the Senate.

So I join my colleagues in this collective extension of condolences to his family. His memory and what he has done for us will survive many, many years as long as we continue addressing urgent public matters; and given also a deep human dimension to all of them, this will be a very, very positive factor and certainly inure to his own fine memory that he has left us with.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Mr. President. First of all, who said there wasn't such a thing as a nice Republican? Of course, there were.

Thorn really was a lovely gentleman, and I wanted to throw my two cents in. I go back in this place to before the 1967 Constitutional Convention, but I did serve as an

assistant counsel to the Majority Leader there.

And I have always believed - funny, when I was in college, I used to fight. And I think the worst fight I had was against a farm boy who just fell all over me, and I guess the best fight I had was against a fellow who was a middleweight in the Army. And it was a delight to deal with Thorn because he was a pro. You can always work better with a pro and somebody who knows what they are doing.

And as someone who didn't always agree on every issue, I can tell you that it was a pleasure having him here. He loved what he was doing, and I don't mean that from an egocentric point of view. He loved it because he saw all the goodness that can come out of the work that we do for other people.

And what can I tell you? It's a shame that this passing came so early into the retirement, but we can't always question those decisions of God. All we can do is just feel kind of lucky that we touched him and he touched our lives in some way, and certainly we will

miss him very much.

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

SENATOR OPPENHEIMER: I would like to just speak for a moment about Thorn's relationship with myself and the people in our town. We came from the same town, Mamaroneck, and I was friendly with him and with his wife. Both very lovely people.

Thorn was just the ultimate knowledge on the issue of housing, and we often talked. Sometimes we went home together, and we would talk about the problems that confront Westchester with our lack of affordable housing and how that has created in our county this enormous problem of homelessness which I have spoken about several times on the floor here, having the highest per capita homeless rate in the state and very possibly in the country, and we would talk about how we might change that and make Westchester a place that was viable for people of all incomes.

And I'm going to miss him because

he was a gentle and a kind man and such a knowledgeable man and he was a resource to me, and I just want to express my very deepest sympathies to his wife and family.

ACTING PRESIDENT FARLEY: Senator Stafford.

SENATOR STAFFORD: Mr. President. I was here when Thorn came to work for the Legislature. When we talk about a gentleman like Thorn, you find that usually everybody says about the same thing is what it all boils down to. Because anyone who worked with Thorn always had his cooperation. It could be some of the main problems of the session to get something worked out, and it was just as if nothing was going on. He just gave you his time, and he was just able to work with people.

He and I shared many things these past few years. And I can only say, Mr. President, that in this day and age when some of us get a little frustrated with government, all we have to do is think of Thorn Edwards. And what he wanted to do, as I say, was cooperate,

to help, and to be available for those he was working with and for. And he is a real example of the fine public servant.

ACTING PRESIDENT FARLEY: Senator Marino.

SENATOR MARINO: Thank you, Mr. President. I was deeply saddened, and we were all, by the untimely death of a good friend, Thorn Edwards.

Last time I saw Thorn was in Florida with his lovely wife, and we met accidentally, really, in a restaurant. And although he wasn't in great health at that time, he did not complain but was cheerful and looking forward to relaxing in Florida and enjoying the rest of his life.

I think he knew how sick he was but never let on and just carried on and carried forward, not wanting to disturb those loved ones around him because he was that kind of a person, never wanting to be noticed, but yet being there whenever he was needed.

And we here in Albany have needed

him and have used his services throughout all these many years, willingly, and have accepted those services with great gratitude because they were given sincerely and given with the kind of dedication that few public employees have, dedication to their work that only Thorn Edwards had.

He was outstanding in that he could work long hours on very technical material and seemed to enjoy it, things that you and I might shy away from because they were too tough to understand, too technical, too difficult to unravel. Bonding proposal, housing proposal, Thorn relished in that kind of detail and was magnificent in how he could simplify the very complicated and have some real meaning come forth so that we could all understand it and apply it to everyday life. He had that knack and that ability.

He was a straight shooter - Thorn. Didn't much care about the politics of an issue. Cared more about the result and that the result was fair and equitable and reasonable

and something that all of us could live with.

So he was a pragmatist, and yet he wanted to do what was right for the people at all times, and that was important to him, and he kept to that mode. And as a result, we're better off for it because the legislation he enacted for us or permitted us to enact was very difficult but yet very fair, always. And it's still in being, still helping the people of this state, and it came out of a brilliant mind, a very brilliant mind from a good lawyer who knew what he was doing, one who was tough in negotiations yet knew where the line was when he had to compromise. And when he got to that line, he did compromise so we could go forward with our work here in Albany.

He was a real public servant in the best sense of the word, a real public servant, and so we who have taken advantage all these years of his talent now miss him, and we're going to miss him as a public servant, as a good lawyer, as a person who served us well here in Albany.

But we're also going to miss him as a person. Because he was a good person, one of the best I have ever met and one that was a joy to be around because he had a kind of funny sense of humor that stuck through.

And we are, Phyllis, going to miss him. We wish you well.

Thank you.

ACTING PRESIDENT FARLEY: On the resolution, all those in favor say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is unanimously adopted by every member of this Legislature.

Thorn's widow is with us here today. And on behalf of the New York State Senate, and personally, let me just say what a gentle and beautiful man your husband was. And he will always be remembered by this house. He will always be remembered for his remarkable career. It encompassed a great deal not only in the executive branch but here in the

Legislature. We will all miss him.

We wish you well.

Senator Marino. Are there any motions on the floor?

SENATOR MARINO: Controversial bills, please.

ACTING PRESIDENT FARLEY: Okay. Non-controversial, I think he meant.

THE SECRETARY: On page 7, Calendar Number 169, by Senator Goodman, Senate Bill Number 1257A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

214, by Senator Holland.

SENATOR HOLLAND: Lay that aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for today.

THE SECRETARY: Calendar Number 220, by member of the Assembly Koppell, Assembly Bill Number 813A, an act to amend the Election Law, in relation to information required on voter registration forms.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 264, by Senator Saland, Senate Bill Number 2377, an act to amend the Family Court Act.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 265, by Senator Saland, Senate Bill Number 2378, an act to amend the Social Services Law, in relation to persons required to report cases of suspected child abuse.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 270, by Senator Padavan, Senate Bill Number 361A, an act to amend the Family Court Act.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50. Nays 1. Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 281, by Senator Nozzolio, Senate Bill Number 2507, an act to amend the Vehicle and Traffic Law, in relation to authorizing the issuance of distinctive license plates.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 282, by Senator Cook, Senate Bill Number 2640, an act to amend the Transportation Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT FARLEY: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. Could I have unanimous consent to be recorded in the negative on Calendar Number 220.

ACTING PRESIDENT FARLEY: 220, Senator Libous will be in the negative without objection.

SENATOR LIBOUS: Thank you.

THE SECRETARY: Calendar Number 283, by Senator Johnson, Senate Bill Number 2999, Vehicle and Traffic Law, in relation to vehicle inspections.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 284, by Senator LaValle, Senate Bill Number 400, an act to amend the Education Law, in relation to computation of the operating aids base.

ACTING PRESIDENT FARLEY: There is a local fiscal impact note here at the desk, and you can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50. Nays 1. Senator Velella recorded in the negative.

ACTING PRESIDENT FARLEY: That bill is passed.

This next bill we're going to have to lay aside for a moment because there's a substitution coming. We laid aside 285. Senator Present, is it okay?

THE SECRETARY: Calendar Number 286, by Senator Padavan.

SENATOR STACHOWSKI: Lay it

aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 289, by Senator Cook.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 291, by Senator Padavan.

SENATOR GOLD: Senator Padavan said we could lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside.

Senator Padavan?

SENATOR PADAVAN: Lay it aside for the day.

ACTING PRESIDENT FARLEY: For the day?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT FARLEY: Okay.

THE SECRETARY: Calendar Number 292, by member of the Assembly Friedman,

Assembly Bill Number 4523, an act to amend Chapter 499 of the Laws of 1991.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 293, by member of the Assembly Grannis, Assembly Bill Number 5733, an act to provide permanent installation of outdoor fixed single-user pay toilet facilities.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 295, by Senator Skelos, Senate Bill Number 621, General Municipal Law, in relation to volunteer fire fighter service award program.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 297, by Senator LaValle, Senate Bill Number 1428, an act to amend the General Municipal Law, permitting counties, towns, and villages to distribute fuel at cost.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 298, by Senator LaValle, Senate Bill Number 155, an act to amend the Volunteer Firefighters Benefit Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 299, by Senator Padavan, Senate Bill Number 18 -

SENATOR PADAVAN: Senator Galiber asked me to lay that bill aside for the day, which I will.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

Senator Present, that's the first time through.

SENATOR PRESENT: Mr. President. Can we take up the controversial calendar, please.

ACTING PRESIDENT FARLEY: Yes, sir. Controversial.

Senator Present, may we lay aside that first bill. We're waiting for a substitution that is coming over, and it isn't here as yet. So 285 will be laid aside temporarily.

THE SECRETARY: On page 12, Calendar Number 286, by Senator Padavan, Senate

Bill Number 3248, an act to amend the Education Law.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for, for 286.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President. This bill, which passed last year and is supported by the State Education Department, would statutize the retirement that the five big cities would be required to appropriate a share of their budget to education based on one of two calculations as specified on page 2 of the bill.

In one case, the city would be required to provide the city school district's proportioned share of the entire city budget in the three prior fiscal school years, meaning that it should not vary from those percentages; or the school district's prior year proportionate share of the prior year's citywide budget adjusted for any growth or decline in the student enrollment since the prior year.

Additionally, the bill requires that these proportionate shares exclude state aid to education as an add to the total. In effect, it is a maintenance of effort. It ensures that these big five school districts will not diminish their proportionate share of dollars to educate as it relates to the overall budget, using the prior three years as the base.

SENATOR STACHOWSKI: Mr. President.

ACTING PRESIDENT FARLEY: Senator Stachowski.

SENATOR STACHOWSKI: Will Senator Padavan yield to a question?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT FARLEY: Yes, he will.

SENATOR STACHOWSKI: Senator, don't most city school districts now have a process where their council has the opportunity to make sure that the city's contribution will be maintained or increased year after year? And

after all, we know -- at least in Buffalo, and I assume it's the same in the other cities -- that those very councilmen and council people at large -- councilmen and -women, I should say, tell the people in their districts that they are fully in support of schools, and that they will do everything they can for education; and, yet, to this date, most of them do absolutely nothing in changing the mayor's -- the amount of money that he puts into education. By that I mean, in case I lost you by rambling a bit, is that they have the opportunity to put more money in themselves, the council does; and, yet, they don't do that. And so they, along with the local Boards of Education, look for us to mandate that by this bill in what would be a major new state mandate.

SENATOR PADAVAN: I think the answer to your question is yes.

SENATOR STACHOWSKI: I thought so, too. That's why I asked it in that fashion.

I don't have any other -- on the

bill, Mr. President. On the bill.

ACTING PRESIDENT FARLEY: On the bill. Senator Stachowski.

SENATOR STACHOWSKI: I think the bill is a great bill to get money into education and to make sure that the localities match the money or at least continue to give the amount of money that they gave previously to education. And in the case for myself, as in Buffalo, where it seems like the city's contribution goes down year after year, this bill would be a way of stopping that from happening, even as the people are complaining that education doesn't get enough funding, even though we in the state continue to increase the funding every year that we give to Buffalo.

However, they do have a Common Council that it's their job to do something about that in the budget deliberation, and they choose not to do it. And between they and the mayor -- and they're the local source of government -- if they choose not to do it, there must be a reason.

And apparently, the people that elect those local elected officials must agree with what they're doing is right because they continually re-elect them, even though those same people come to Albany and say, "You're not putting enough money into education."

My problem with the bill, and although I admit it's a great bill, is that, first of all, I don't feel that I'm here to do the job of the Common Council people that are elected to do that; and, secondly, at a time when every local form of government is running down here saying, "Please, no new mandates," we come along with a bill that would be probably the largest mandate we could give them, a bill that would absolutely have the effect of increasing local taxes, if at all possible, if they haven't hit their taxing limit -- which I know Buffalo hasn't, but they're close -- and a bill that would be seeing nothing else -- all the people when their taxes went up, the local government officials would say, "Well, we didn't want to raise your taxes; they, in Albany, made

us do it."

And once again, it would be, "You guys do what we should be doing, and you people do it so we don't get the blame." And in a time when we're looking to have no further mandates is the main reason and the only reason I can't support this bill.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Mr. President. Will Senator Padavan yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT FARLEY: I'm sure he will. Senator Padavan, are you yielding to Senator Leichter?

SENATOR PADAVAN: Yes.

SENATOR LEICHTER: Senator Padavan, I apologize because I just came in and I may have missed some of the debate and some points that were made. But let me ask you, if you will yield, please, what happens if there's a precipitous decline in the number of students

in that district?

SENATOR PADAVAN: Yes. As a matter of fact, it is specified in here. Either an increase or a decline can be factored in by the provisions on the bill. It's on page 2 in the middle.

SENATOR LEICHTER: Senator, do you also take account of the fact that, for whatever reason, the state aid which the cities get may decline precipitously?

SENATOR PADAVAN: The bill relates to the percentages of the total budget in the prior three years, excluding state aid.

SENATOR LEICHTER: Well, maybe my question really should be, suppose suddenly we become very flush up here. We're able to provide a great deal more of aid. And I think Senator Stachowski made some very valid points. The Common Council and the Mayor in the city of Buffalo decide, well, we're getting this additional amount of aid from the state of New York, we don't need...

ACTING PRESIDENT FARLEY: Senator

Leichter, try to speak into your microphone. I know it's difficult -

SENATOR LEICHTER: Yes.

ACTING PRESIDENT FARLEY: But we're all having trouble hearing you.

SENATOR LEICHTER: I'm sorry. And as a result of this very substantial increase in state aid, maybe that increase comes because of some of the court actions, and they force the Legislature and the state to change some of its educational support. Now, there is more money, and the localities decide that it's not necessary to maintain that same amount of local spending which is mandated by your bill. How do you answer that?

SENATOR PADAVAN: Senator, I only answer it by looking back over a period of years and saying to you, simply and directly, that's not been the case. We are lobbied certainly by parents, teachers, educators and local governments year after year to increase aid to education.

For valid reasons. Look at the

city of New York. This past year, their student population increased over 22,000; over the last three years over 50,000. It's inconceivable to me that even if we were -- and hopefully we will be able to increase aid this year, which we have not been able to do the last couple years or so. Even if we were, it would not meet those obvious needs in terms of not only increases of numbers of children to be educated but the associated costs thereto.

Therefore, your question is somewhat academic. As a practical matter, none of these five cities have been in a position that we have allowed them to be, namely, giving them significant sums so that they could, in order to maintain an adequate level of education, reduce their share.

SENATOR LEICHTER: Senator, suppose one of these cities has an emergency. Maybe it's a health emergency. Maybe it's a public safety emergency. And that city decides that, important as education is, to deal with that emergency, maybe they have to open up some

hospitals. Maybe they have to deal with a public safety emergency, put more police officers, others, out into the street. And they make that determination and they want to make that determination as a locality, what is more important to them.

Now, along comes the Senate, led by Senator Padavan, says, "You can't do that because we decided some years ago that you are going to be locked into this particular system." Is that a wise thing to do, Senator?

SENATOR PADAVAN: Senator, first, if there was something so dramatic -- so dramatic would occur in one of these five cities -- and you must keep in mind, and I want to say this parenthetically. We're not asking local governments to increase their share. We're simply saying maintain the average over the last three years; which, if you look at the data at this point in time -- and I imagine that's why we have no memos in opposition for any of the five cities this year -- the impact would be minimal if not at all.

ACTING PRESIDENT FARLEY: Let's hold our conversations down. Senator Padavan is getting nervous over here.

SENATOR PADAVAN: With regard to your question directly, if there was something so dramatic, so overwhelming, that this bill become an impediment in a health emergency or some catastrophe that I can't possibly imagine, well, I would presume we would be called to act to make an adjustment, if necessary, in that particular case. But that's so hypothetical that it -- you know, it begs an appropriate answer.

Senator, year after year, many point to Albany and they're saying, "You are not doing what you can for education." You have been in that position. I have been. Year after year, we respond the best we can, and all we're saying to those local governments, particularly our city, just keep doing what you have been doing. We were not asking you for anything extraordinary. Just maintain that level, and we'll continue to do what we can to add to it.

And I don't think that's asking too much.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Yes, on the bill.

ACTING PRESIDENT FARLEY: On the bill.

SENATOR LEICHTER: I don't think I can say it any better than Senator Stachowski. I think he made excellent points. I just want to, maybe, embellish it a bit if I can.

What disturbs me here is that Senator Padavan says, "Well, you know, we're not doing enough for education," or "we're charged with not doing enough for education. So I will tell you what I will do. I will put my hand into the governmental levers of the localities and tell them what to do."

He doesn't say: "I'm going to give more money for the city of New York. I'm

going to vote against school budgets that shaft my city "-- which you voted for time and time and time again. "No, I'm not going to do that. I will just tell the city of New York how to spend their own money."

Senator, I don't think that's doing anything for education. I'm sorry.

But I am concerned beyond that personal thing which, frankly, expresses some regret that I have that my Republican colleagues from the city of New York cannot fight within their conference and cannot join those of us here who want to establish a fair funding level. And I must say that because I think that maybe it's particularly ill-suited, Senator Padavan, for you to bring forth this sort of bill.

SENATOR PADAVAN: Will the Senator like to yield?

ACTING PRESIDENT FARLEY: Senator Leichter?

SENATOR LEICHTER: Yes.

SENATOR PADAVAN: Senator, I

think you just made a rather broad statement which, on the face of it, is not only inaccurate but somewhat offensive. I strongly object to any statement from you that anyone on this side has failed to deal with aid to education for the city of New York. All the facts point to quite the opposite.

Now, if you want to argue formula, we can stand here all day long and argue formula. We can talk about 34 versus 36 or 33 versus whatever in terms of aid to education. We can talk about federal money pouring into the city of New York. I will be happy to discuss that with you as long as you'd like, but don't stand there and make a categorical statement that our calling upon the big five cities to maintain a level of effort consistent with their own practices in order not to point to us and look to us in every instance to bail them out.

Now, the facts are quite to the contrary in terms of your allegation, but they're also, I think, in support of this bill.

If you look at the last several years in any of the big five cities, the impact of this legislation would be minimal. Minimal. So we are not calling upon them really to do too much.

Now, if you talk about mandates, there are mandates in our state laws in almost every category that you would like to talk about.

Let's refer to social services. Do we not mandate that local governments pick up a certain portion by law, in statute, of Medicaid, of ADC, of whatever area of social services you would like to look at? So there's nothing unique about that part of our proposal here. This does not stand on its own in that regard.

Senator, while I could understand that you would like to stand up on behalf of our city, I think it would be more appropriate if you stood up on behalf of our kids, who year after year are getting shortchanged not by virtue of the state aid to education escalation

in aid. If you look at the last ten years and if you plotted a curve of state aid to education, it has gone up rather steeply. If you look at that same curve with regard to the city's share of aid to education, the curve is somewhat substantially flatter. They have not kept pace with what we have been able to do over the past ten years.

Now, it is true, in the last two years, we have not been able to do what we'd like. The fact remains, you know what we had to deal with in terms of our state budget.

SENATOR LEICHTER: Senator, I'm happy to answer your question, or was it a question?

But, Senator, let me just say a couple of things, and I'm glad that you -- I would be happy to debate this with you, and I'll tell you -- I'll tell you why.

ACTING PRESIDENT FARLEY: Hold on. Senator Mega, why do you rise?

SENATOR MEGA: Would Senator Leichter yield for a short question?

SENATOR LEICHTER: Could I just answer Senator Padavan's question, then I will yield to you, Senator.

ACTING PRESIDENT FARLEY: He's not going to yield right at the moment.

SENATOR LEICHTER: Yes. Senator, I think there are a number of things that you said that really ought to be answered.

First of all, let's debate the New York situation. I'm not going to do it here, but I will tell you what. I invite you on my television show, and you and I will debate this.

Now, the only problem with that invitation is that the Republican Majority, acting in their usual mature fashion, obviously -- apparently have taken some offense to the fact that we have put on motions to discharge which ask you to have an honest budget; and, as a consequence, they have canceled our use of the telecommunication system. But assuming that that childishness ends, I would be happy, Senator Padavan, you and I -- you take my hour.

If not, you give me some of your hour.

SENATOR PADAVAN: You have an hour? I only have 15 minutes.

SENATOR LEICHTER: This was an hour euphemistically. The trouble with doing it on your show is it will be shown in Queens. But all right. I'll tell you what. We will debate it first on my 15 minutes and then on your 15 minutes.

But Senator, if you want to talk about facts, the fact is that New York City gets less school aid than the number of students, and it's a disgrace. It's a disgrace, and it's due to actions of the Majority in this house.

And, in fact, the city of New York just recently had to go to court -- they had to go to court to sue to get justice. And now Senator Padavan is going to help the students of the city of New York not by bringing them the money they should get, not by saying "I'm going to vote against this budget because it's unfair to my city." No. He is going to tell the city how to spend its own money.

Senator, let me tell you. There are races this year for the City Council of the city of New York. And very soon will come the petition time. And if you want to engage in that sort of decision making, the Council would be the right place to do it, and you may want to consider it. I would be very sorry to lose you here.

But don't tell the city of New York or the city of Buffalo how to spend their money. I just think that's wrong. And then say, "What a wonderful thing I'm doing for education."

Let me finally say, well intentioned as this bill might be -- although as I pointed out, I think it's mistaken -- I just want to emphasize again the fact that we're locking these localities into a particular formula.

Senator Padavan says that it's hypothetical that they are ever going to have such a great need to spend their money otherwise; and if that occurs, well, we'll come

back and change it.

It may be October. It may be November. We may not be able to change it. Why would you want to impose this sort of a strait jacket on the localities? I refer again I think to the very good points that were made by Senator Stachowski. It's not right for us to pass this sort of a bill.

ACTING PRESIDENT FARLEY: Senator Dollinger is next.

ACTING PRESIDENT FARLEY: Mr. President. Will Senator Padavan yield to a question?

ACTING PRESIDENT FARLEY: I'm sure he will. Senator Padavan.

SENATOR DOLLINGER: Senator, as I understand this bill -- and I just need a clarification. As I understand it, when a school district, one of the big five, comes to us and says, "We have a need for additional funds," and then we meet that need, what this bill does is it prevents the City Council or any other government in the locality from then

saying, "There wasn't really a need," and subtracting that sum from the amount that would otherwise go to finance education. Is that correct?

SENATOR PADAVAN: I'm sorry. I don't quite follow. I followed you right up to about the middle.

SENATOR DOLLINGER: Here's what happens. One of the big five comes in and says, we need $5 million.

SENATOR PADAVAN: I am so overwhelmed about the possibility of joining the City Council that I'm having trouble understanding you.

SENATOR DOLLINGER: I thought it was the cable TV that might have thrown you for a loop.

SENATOR PADAVAN: That's no problem.

SENATOR DOLLINGER: But a school district, one of the big five, comes in and says, "We need $5 million more."

SENATOR PADAVAN: Yeah.

SENATOR DOLLINGER: We meet that need.

SENATOR PADAVAN: Yes.

SENATOR DOLLINGER: And then, what this bill will prevent is the locality then saying, "We'll give you have $5 million less of real property tax money," and, therefore, wiping out the five million more that we've given them, in essence.

SENATOR PADAVAN: Yes. The answer to your question is yes in the sense that we're saying to that locality that whatever the proportion of your total budget was for the last several years in terms of education to your school district, which is the city, you will maintain that level, adjusted for any decreases or increases in pupil population.

So the answer to your question is yes.

SENATOR DOLLINGER: Thank you.

SENATOR MASIELLO: Mr. President.

ACTING PRESIDENT FARLEY: Senator Masiello.

SENATOR MASIELLO: Senator Masiello.

ACTING PRESIDENT FARLEY: Oh, I know that. I was just looking at the list that we have here. I think you are next on the list.

SENATOR MASIELLO: Thank you. Did I jump over the list?

ACTING PRESIDENT FARLEY: No, I don't think so. I think you are next.

SENATOR MASIELLO: Okay. Fine.

Thank you very much, Mr. President. Would Senator Dollinger yield to a question?

ACTING PRESIDENT FARLEY: Senator Dollinger, will you yield to Senator Masiello?

SENATOR MASIELLO: Senator, do you have a maintenance of effort formula in Rochester?

SENATOR DOLLINGER: That's a good question. I don't know.

SENATOR MASIELLO: You don't know.

SENATOR DOLLINGER: I don't.

SENATOR MASIELLO: Thank you. No further questions of you.

Because it's my understanding that there was some kind of maintenance of effort formula that Rochester has had for a number of years. Maybe I'm using the wrong term.

SENATOR DOLLINGER: You may be correct. I just may not be aware of it or I may not understand it in that -

SENATOR MASIELLO: Okay. Fine. I can certainly understand where my colleague, Senator Stachowski, is coming from and certainly Senator Leichter. There is certainly a lot to be said about home rule and the executive and the legislative branch doing what they are supposed to do in local government.

But I've got some of statistics here that really are startling, Senator, that I think really substantiates your position on this bill. You take my own city, the city of Buffalo. They have a per capita expenditure of $5,892 per student, which is the lowest in the

state of New York of the big five school districts. However, if you look at the state aid part of that per capita funding, it's $4,112, which is the highest per capita funding in the state of New York for the five schools - five school districts, big five school districts.

So what this tells me is that while the state contributes the highest funding per student per capita of the state, the city of Buffalo, conversely, has the lowest funding per capita of any of the big five cities at, I believe 1.8 -- I'm sorry -- $1800 per student the city contributes per student, which is the lowest of the five cities, and 4200 which is the highest that the state contributes.

I guess what I'm saying here is that as the state contributes more, more aid to the city of Buffalo for education, the city contributes less.

Let me give you another statistic which I find even more startling and more disturbing. You take the '85-86 tax year of

Buffalo, of which $90 million was produced by the tax levy of the city of Buffalo, of which $54 million of that $90 million went to the school district of Buffalo, or 64 percent. In 1992, the tax levy in the city of Buffalo went from $90 million to $136 million or approximately $40 million increase. However, in 1992-93, the tax levy was $51 million or a reduction of $3 million or reduction to 37 percent of the tax levy.

So in eight years, while the property tax levy grew by $40 million, the portion to the schools in Buffalo decreased by $3 million or from 60 percent to almost 38 percent. So, obviously, somebody is not making the best use of those revenues in the city of Buffalo.

I don't like telling the council, I don't like telling the executive, that they have to do a better job in allocating those monies. But, quite frankly, as we have increased state aid, the city has decreased their contribution to education. I think that

is wrong. I think the students have suffered in the city of Buffalo because of that.

I think we have to be fair. We have to be consistent. We have to be, I think, just in the allocation of money to our school districts of the big five. I think Buffalo illustrates that there is need for this, and I'm going to support this legislation.

ACTING PRESIDENT FARLEY: Senator Galiber, did you wish to speak?

SENATOR GALIBER: No.

ACTING PRESIDENT FARLEY: Okay. On the bill. Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR STACHOWSKI: Mr. President.

ACTING PRESIDENT FARLEY: Senator Stachowski.

SENATOR STACHOWSKI: To explain

my vote.

ACTING PRESIDENT FARLEY: To explain his vote.

SENATOR STACHOWSKI: Although I'm against mandates, if Senator Masiello, hopefully soon to be Mayor Masiello, wants to put himself in this locked box, I can't be against that. I'm going to vote for the bill.

ACTING PRESIDENT FARLEY: Senator Stachowski is in the affirmative. Negatives raise your hands again. Senator Galiber, you are still in the negative? I don't know.

THE SECRETARY: Ayes 50. Nays 5. Senators Connor, DeFrancisco, Galiber, Leichter and Montgomery recorded in the negative.

ACTING PRESIDENT FARLEY: That bill is passed.

Senator Present?

SENATOR PRESENT: Mr. President. I understand that the substitute for Calendar 285 is at the desk. May we have the substitution and call up that bill?

ACTING PRESIDENT FARLEY: Yes, there is, sir.

Secretary will read 285.

THE SECRETARY: Calendar Number 285. Senator Larkin moves to discharge the Committee on Education from Assembly Bill Number 3830 and substitute it for the identical Calendar Number 285.

ACTING PRESIDENT FARLEY: Substitution is ordered. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT FARLEY: The bill is passed.

Continue the controversial.

THE SECRETARY: Calendar Number 289, by Senator Cook, Senate Bill Number 3558, an act to amend the Public Health Law.

SENATOR ONORATO: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Cook.

SENATOR COOK: Mr. President. When the city of New York was authorized, originally, to build water supply reservoirs in the upstate area, they were given authority under the law to impose certain regulations to protect the purity of that water, which at the time was very important, very necessary.

Today, we have a sophisticated Department of Environmental Conservation, state Health Department. In fact, no place else in the entire state, except in the city watershed, does any city of this kind have power to go out and impose regulation upon the people who reside in the counties who may be part of their watershed.

This bill simply would put New York City on the same ground that every other city in the state is, to say that the regulation of their watershed would have to be under the same auspices of the state Health Department

rather than by the city of New York.

We find this to be something that is much preferable, frankly, to having a city government over which we have no control and with whom we do not always have the best rapport sending inspectors out and imposing these regulations.

We think the regulations ought to be the same in the New York City watershed as they are in the Buffalo watershed or the Rochester watershed or any place else in the state. Therefore, this bill takes from the city of New York the authority which was necessary at the time it was put in there, in 1905, and takes that away from them to unilaterally impose land use regulations upon us and, instead, says that the New York City watershed shall be regulated in the same manner as every other watershed.

ACTING PRESIDENT FARLEY: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President. I'd just like to point out that last year on this bill, Senators Connor, Galiber,

Gold, Gonzalez, Halperin, Korman, Leichter, Markowitz, Masiello, Mendez, Montgomery, Ohrenstein, Onorato, Oppenheimer, Stavisky, Waldon, Weinstein, Goodhue, Goodman, Marchi, Mega, Padavan, Spano and Velella, voted in the negative.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR ONORATO: Slow roll call.

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

ACTING PRESIDENT FARLEY: Is there five? I guess there is. There's been a call for a slow roll call. Ring the bell.

THE SECRETARY: Senator Babbush excused. Senator Bruno.

(There was no response.)

Senator Connor.

SENATOR CONNOR: No.

THE SECRETARY: Senator Cook.

ACTING PRESIDENT FARLEY: Senator Cook, how do you vote?

SENATOR COOK: Yes.

THE SECRETARY: Senator Daly.
(There was no response.)
Senator DeFrancisco.
SENATOR DeFRANCISCO: Yes.
THE SECRETARY: Senator Dollinger.
SENATOR DOLLINGER: No.
THE SECRETARY: Senator Espada.
(There was no response.)
Senator Farley.
SENATOR FARLEY: Aye.
THE SECRETARY: Senator Galiber.
SENATOR GALIBER: Yes.
THE SECRETARY: Senator Gold.
(There was no response.)
Senator Gonzalez.
((There was no response.)
Senator Goodman.
(There was no response.)
Senator Halperin.
SENATOR HALPERIN: No.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: To explain my

vote.

ACTING PRESIDENT FARLEY: Senator Hannon to explain his vote.

SENATOR HANNON: Mr. President. During the course of last fall, the Housing Committee had a long hearing in regard to water needs in New York City and the effect of changes in water fees, et cetera, on housing on that city. And, obviously, what's happening in the watershed areas for New York City is a great deal of concern to us.

On looking at this bill, however, one realizes that what we're trying to do is simply have reasonable rules apply to those watershed areas and not to negate things that the federal government would otherwise -- Mr. President, would you put my light back on?

ACTING PRESIDENT FARLEY: Your point is well taken, Senator Hannon. I would like to ask the house to show a little courtesy. We can't her the Senator explaining his vote. Please take your conversations outside the chamber.

Senator Hannon.

SENATOR HANNON: This measure would simply allow reasonable measures to be imposed on those watershed areas, reasonable to the people living there and reasonable with regard to the environmental concerns that were needed.

For that reason, Mr. Speaker, I would support Senator Cook's bill.

ACTING PRESIDENT FARLEY: Senator Hannon is in the affirmative.

Continue the roll.

THE SECRETARY: Senator Hoffmann, excused. Senator Holland.

SENATOR HOLLAND: Yes.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Jones.

SENATOR JONES: No.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.
SENATOR LARKIN: Aye.
THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: Aye.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: No.
THE SECRETARY: Senator Levy.
SENATOR LEVY: Aye.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Maltese.
SENATOR MALTESE: Aye.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: No.
THE SECRETARY: Senator Marino.
(Indicating "Aye.")
THE SECRETARY: Aye. Senator Markowitz.
SENATOR MARKOWITZ: No.
THE SECRETARY: Senator Masiello.
SENATOR MASIELLO: No.
THE SECRETARY: Senator Mega.

SENATOR MEGA: No.
THE SECRETARY: Senator Mendez.
SENATOR MENDEZ: No.
THE SECRETARY: Senator Montgomery.
SENATOR MONTGOMERY: No.
THE SECRETARY: Senator Nolan.
SENATOR NOLAN: Yes.
THE SECRETARY: Senator Nozzolio.
SENATOR NOZZOLIO: Aye.
THE SECRETARY: Senator Ohrenstein.
(Indicating "Nay.")
THE SECRETARY: No. Senator Onorato.
SENATOR ONORATO: No.
THE SECRETARY: Senator Oppenheimer.
(There was no response.)
Senator Padavan.
SENATOR PADAVAN: No.
THE SECRETARY: Senator Pataki.

SENATOR PATAKI: Yes.
THE SECRETARY: Senator Paterson.
SENATOR PATERSON: No.
THE SECRETARY: Senator Present.
SENATOR PRESENT: Aye.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Aye.
THE SECRETARY: Senator Santiago.
(There was to response.)
Senator Sears.
(There was no response.)
Senator Seward.
SENATOR SEWARD: Yes.
THE SECRETARY: Senator Sheffer.
SENATOR SHEFFER: Yes.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Yes.
THE SECRETARY: Senator Smith.
SENATOR SMITH: No.
THE SECRETARY: Senator Solomon.
SENATOR SOLOMON: No.

THE SECRETARY: Senator Spano.
SENATOR SPANO: No.
THE SECRETARY: Senator Stachowski.
SENATOR STACHOWSKI: Yes.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.
THE SECRETARY: Senator Stavisky.
(There was no response.)
Senator Trunzo.
SENATOR TRUNZO: Yes.
THE SECRETARY: Senator Tully.
SENATOR TULLY: Aye.
THE SECRETARY: Senator Velella.
SENATOR VELELLA: No.
THE SECRETARY: Senator Volker.
SENATOR VOLKER: Yes.
THE SECRETARY: Senator Waldon.
SENATOR WALDON: No.
THE SECRETARY: Senator Wright.
SENATOR WRIGHT: Aye.

ACTING PRESIDENT FARLEY: Absentees.

THE SECRETARY: Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Daly.

SENATOR DALY: Yes.

THE SECRETARY: Senator Espada.

(There was no response.)

Senator Gold.

(There was no response.)

Senator Gonzalez.

(There was no response.)

Senator Goodman.

(There was no response.)

Senator Oppenheimer.

(There was no response.)

Senator Santiago.

(There was no response.)

Senator Sears.

SENATOR SEARS: Yes.

THE SECRETARY: Senator Stavisky.

(There was no response.)

ACTING PRESIDENT FARLEY: Results.

THE SECRETARY: Ayes 32. Nays 20.

ACTING PRESIDENT FARLEY: That bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT FARLEY: Senator Libous for a motion.

SENATOR LIBOUS: Mr. President. I would like to put a sponsor star on Calendar Number 317, Senate Print 2060.

ACTING PRESIDENT FARLEY: 317 is starred at the request of the sponsor.

SENATOR SMITH: Mr. President.

ACTING PRESIDENT FARLEY: Senator Smith.

SENATOR SMITH: Mr. President. I request unanimous consent to be recorded in the negative on Calendar Number 286.

ACTING PRESIDENT FARLEY: 286, you are in the negative without objection.

Senator Velella.

SENATOR VELELLA: Mr. President. I request unanimous consent on Calendar 285 to be recorded in the negative. I was outside the chamber.

ACTING PRESIDENT FARLEY: Senator Velella will be in the negative on 285.

SENATOR VELELLA: And, Mr. President, on Calendar Number 255. On Friday, I was also out of the chamber. I would like the record to reflect that if I had been here I would have voted in the negative. That's Senate Bill 3487, Calendar 255.

ACTING PRESIDENT FARLEY: The record will so reflect.

Senator Tully.

SENATOR TULLY: Yes, Mr. President. On page 10, would you place a sponsor star on Calendar 238?

ACTING PRESIDENT FARLEY: 238 is starred at the request of the sponsor.

ACTING PRESIDENT FARLEY: Senator Paterson.

SENATOR PATERSON: Mr.

President. Totally unrelated to anything that Senator Smith did here today, with unanimous consent, I would like to be recorded in the negative on Calendar Number 286.

ACTING PRESIDENT FARLEY: 286, without objection. I think we can continue the calendar. We don't have any more. We have completed the calendar.

SENATOR PRESENT: Mr. President, you were very efficient today. There being no further business, I move we adjourn until tomorrow at 3:00 p.m.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned until tomorrow at 3:00 p.m.

(Whereupon, at 4:22 p.m., Senate adjourned.)