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ALBANY, NEW YORK

May 19, 1993

12:24 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

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

2 ACTING PRESIDENT FARLEY: The
3 Senate will come to order. Senators will please
4 find their seats.

5 Will you please rise with me for
6 the Pledge of Allegiance to the Flag.

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

9 ACTING PRESIDENT FARLEY: Today,
10 in the absence of visiting clergy, we will bow
11 our heads for a moment of silent prayer.

12 (Whereupon, there was a moment of
13 silence.)

14 Secretary will begin by reading
15 the Journal.

16 THE SECRETARY: In Senate,
17 Tuesday, May 18. The Senate met pursuant to
18 adjournment. Senator Farley in the chair upon
19 designation of the Temporary President. The
20 Journal of Monday, May 17, was read and
21 approved. On motion, Senate adjourned.

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

1 read.

2 The order of business.

3 Presentation of petitions.

4 Messages from the Assembly.

5 Messages from the Governor.

6 Reports of standing committees.

7 Reports of select committees.

8 Communications and reports from
9 state officers.

10 Motions and resolutions.

11 SENATOR PADAVAN: Please
12 recognize Senator Tully.

13 ACTING PRESIDENT FARLEY: Senator
14 Tully.

15 SENATOR TULLY: Yes, Mr.
16 President. I believe I have a resolution at the
17 desk. May I please have the resolution read in
18 its entirety.

19 ACTING PRESIDENT FARLEY: The
20 Secretary will read Senator Tully's resolution
21 in its entirety.

22 THE SECRETARY: Legislative
23 Resolution, by Senator Tully, honoring the life

1 and career of Samuel Rabin.

2 Whereas, it is the sense of this
3 legislative body to honor the life of prominent
4 citizens of the state of New York whose life's
5 work and civic endeavors have served to enhance
6 the quality of life within this great Empire
7 State.

8 The state of New York, the county
9 of Nassau, and Floral Park mourn the loss of
10 Samuel Rabin, a respected public servant and
11 civic leader, who passed away on May 7, 1993.

12 In honoring Samuel Rabin, we
13 honor his spirit and commitment to the community
14 in which he lived, labored, and lovingly raised
15 his family.

16 As a man of immense talents and
17 engineers, Samuel Rabin epitomized the finest
18 qualities of concerned citizen, trusted civic
19 leader, caring friend and gentleman; he was an
20 eminent member of the Nassau County community.

21 As a conscientious, progressive
22 leader, his abilities, ambitions and
23 achievements in public life served to heighten

1 the public's awareness of the political process
2 and the importance of taking an active part in
3 it at the grass roots level.

4 In his lifetime, Samuel Rabin
5 succeeded in accomplishing things of great
6 magnitude because he knew the value of time and
7 perseverance, as well as the power of kindness;
8 that particular philosophy of life rewarded him
9 with countless numbers of rich and enduring
10 friendships throughout the state of New York and
11 the nation.

12 In combining his diverse personal
13 life with an active role in the community, he
14 has illustrated to family, friends, and
15 acquaintances alike that life is, indeed, rich
16 with possibilities.

17 Samuel Rabin was elected to the
18 state Assembly from Queens in 1944 on his second
19 try and was reelected four times; he worked on
20 housing issues and rent control, as well as on
21 education and reapportionment; he was active in
22 the fight against a "black market" in babies for
23 adoption.

1 In 1954, Mr. Rabin was elected to
2 the first of two fourteen-year terms on the
3 state Supreme Court in Queens; in 1962, Governor
4 Nelson A. Rockefeller elevated him to the
5 Appellate Division Second Judicial Department
6 and advanced him to Presiding Justice in 1971.

7 As head of the Second Department,
8 Justice Rabin was in charge of the court that
9 hears appeals from Brooklyn, Queens, Staten
10 Island, Long Island, Westchester County, and
11 four counties to the north, making it one of the
12 busiest tribunals in the nation; he also oversaw
13 the work and conduct of all judges in the
14 district.

15 In 1974, Samuel Rabin was
16 appointed as Associate Judge of the Court of
17 Appeals, the state's highest court by Governor
18 Malcolm Wilson for an interim appointment.

19 Governor Hugh L. Carey then
20 restored him to the Appellate Division for
21 successive two-year terms until he retired in
22 1981 at the age of 76; at the time of his death
23 Judge Rabin was of counsel to the Wall Street

1 law firm of Herzfeld & Rubin.

2 Samuel Rabin was born in
3 Manhattan, and moved to Queens when he was a
4 boy; at Cornell University, he ran with the
5 track and cross-country team; after graduation,
6 he earned his law degree at New York University
7 in 1928 and went into practice in Jamaica; now,
8 therefore, be it

9 Resolved, that this legislative
10 body pause in its deliberations to honor with
11 respect and admiration the life and career of
12 Samuel Rabin, who was a motivating influence in
13 Nassau County; and be it further

14 Resolved, that copies of this
15 resolution, suitably engrossed, be transmitted
16 to his wife, Florence; his son, Robert J. of
17 Syracuse; his daughter, Jane Rabin Stern of
18 Sands Point, Long Island; his sister Ruth
19 Rubenstein of Eugene, Oregon; and his brother,
20 Bernard of Liberty, New York.

21 ACTING PRESIDENT FARLEY: Senator
22 Tully.

23 SENATOR TULLY: Mr. President.

1 Almost two weeks ago, on May the 7th, a
2 distinguished public servant, citizen and
3 constituent of mine, Judge Samuel Rabin, passed
4 away at his home in Floral Park, New York.

5 Samuel Rabin had a long and
6 illustrious career as a public servant in New
7 York State beginning in 1944, when he was
8 elected to the New York State Assembly. In
9 1954, Mr. Rabin was elected to the first of two
10 14-year terms on the New York State Supreme
11 Court; and from there, he went on to serve at
12 all three levels of the New York State court
13 system.

14 Although he served long before I
15 came to this Legislature, Samuel Rabin leaves
16 behind a legacy of commitment to New York State
17 government, a legacy that will remain with us
18 for many years to come.

19 Mr. President, I hope that all of
20 my colleagues will join me in extending our
21 deepest and most sincere condolences to the
22 family of Samuel Rabin, his widow, Florence; his
23 two children, Robert and Jane; his brother and

1 sister, Bernard and Ruth; and his two grand
2 children.

3 Thank you, Mr. President.

4 ACTING PRESIDENT FARLEY: Senator
5 Padavan.

6 SENATOR PADAVAN: Mr. President,
7 first let me thank Senator Tully for having
8 taken the initiative to prepare and submit to
9 this body the resolution that was read and
10 beautifully written.

11 I first met Judge Rabin when I
12 was a teen-ager, 12 or 13 years of age; was
13 introduced to him by my father, my father having
14 helped him in his campaigns for the Assembly at
15 that point in time; and over the course of many
16 years, our paths crossed. Both he and Florence
17 were friends of the family, and we visited on
18 numerous occasions.

19 My last visit with him was in
20 late October or early November of the past year,
21 when we spent a few minutes talking at their
22 apartment in North Shore Towers to which they
23 had moved after leaving their beautiful home of

1 many years in Jamaica Estates.

2 As the resolution tells us, this
3 was indeed a very unique man, both in demeanor
4 and in conduct and in accomplishment, as well as
5 professionally, unparalleled in my life span in
6 terms of individuals who have served the state
7 both in the community level and the Legislature
8 and subsequently on the judiciary.

9 He will be sorely missed by
10 everyone who knew him and certainly missed by
11 his family and loved ones and friends of which I
12 include myself; and so, Mr. President, I would
13 like to be added as a co-sponsor of this
14 resolution, as I'm sure would many others in
15 this chamber.

16 SENATOR GOLD: Mr. President.

17 ACTING PRESIDENT FARLEY: Senator
18 Gold.

19 SENATOR GOLD: Yes, I definitely
20 would like to be added as a co-sponsor, and
21 perhaps at the appropriate time, Senator Tully
22 will solicit others. On many counts, I am very
23 saddened by the passing of Judge Rabin. I don't

1 think you could grow up in this state, certainly
2 when I grew up in politics and as a young
3 lawyer, without having been awed somewhat by
4 this man. He was just the ultimate gentleman, a
5 classy person, always had the warmest smile, the
6 cheeriest disposition and it was no secret that
7 he was bright.

8 You might notice in the
9 resolution it refers to the fact that at the
10 time of his death he was a counsel to the law
11 firm of Herzfeld & Rubin. That happens to be my
12 firm, and that was one of the delights of
13 joining that firm was knowing that they had this
14 very distinguished gentleman there.

15 I'm sorry that his years at
16 Cornell University preceded mine. It would have
17 been fun going to school with him, but I think
18 the true measure of the man is not necessarily
19 what Senator Tully and Senator Padavan and I and
20 others say today, but the remarks that have been
21 said over the years about Sam Rabin behind his
22 back; and behind his back he could have been a
23 fly on the wall, his parents, his family, his

1 friends could be flies on the wall, because
2 there never was anything but laudatory remarks
3 ever said about this man. He was just an
4 extraordinary person and truly missed by
5 everybody who knew him.

6 ACTING PRESIDENT FARLEY: Senator
7 Tully.

8 SENATOR TULLY: Mr. President, at
9 the conclusion of my remarks, I did say I hoped
10 all my colleagues would join me; by that, of
11 course, I meant the resolution would be open for
12 sponsorship by every member of the chamber if
13 they so desired.

14 ACTING PRESIDENT FARLEY: The
15 Acting Majority Leader and Acting Minority
16 Leader have agreed to put the entire Legislature
17 on the resolution, if the sponsor also agrees.

18 SENATOR TULLY: Yes, definitely.

19 ACTING PRESIDENT FARLEY: On the
20 resolution. All in favor, say aye.

21 (Response of "Aye.")

22 Those opposed, nay.

23 (There was no response.)

1 The resolution is unanimously
2 adopted.

3 SENATOR PADAVAN: Mr. President,
4 would you recognize Senator Levy.

5 ACTING PRESIDENT FARLEY: Senator
6 Norman Levy.

7 SENATOR LEVY: Mr. President, we
8 have at the desk two resolutions, and I would
9 ask that the titles be read, and move their
10 immediate adoption.

11 ACTING PRESIDENT FARLEY:
12 Secretary will read the titles of Senator Levy's
13 resolutions.

14 THE SECRETARY: Legislative
15 Resolution, by Senator Levy, honoring John Cook
16 for his selflessly dedicated service and
17 outstanding contribution to and on behalf of
18 Hope for Youth of Amityville, New York.

19 Also, Legislative Resolution
20 commemorating the 25th Anniversary of Hope for
21 Youth of Amityville, New York.

22 ACTING PRESIDENT FARLEY: On the
23 resolutions. All in favor, say aye.

1 (Response of "Aye.")

2 Those opposed, nay.

3 (There was no response.)

4 The resolutions are adopted.

5 Senator Levy.

6 SENATOR LEVY: Yes, Mr.

7 President. I would like to place sponsor stars
8 on Calendars 890, 892, 762, 765 and 763.

9 ACTING PRESIDENT FARLEY: The
10 bills are starred at the request of the sponsor,
11 I believe.

12 Senator Velella.

13 SENATOR VELELLA: Mr. President,
14 on behalf of Senator Stafford, I would like to
15 have a sponsor star placed on Calendar Number
16 365.

17 ACTING PRESIDENT FARLEY: The
18 bill is starred.

19 SENATOR VELELLA: And on behalf
20 of Senator Farley, a sponsor star on Calendar
21 885, Senate Print 2792.

22 ACTING PRESIDENT FARLEY: The
23 bill is starred.

1 SENATOR VELELLA: And on my own
2 behalf, Mr. President, my bill, Senate 2562,
3 Calendar 620, I'd like to place a sponsor star.

4 ACTING PRESIDENT FARLEY: The
5 bill is starred. Thank you, Senator Velella.

6 Senator Kuhl.

7 SENATOR KUHL: Yes, Mr.
8 President. Would you place a sponsor star on
9 Calendar Number 648, please.

10 ACTING PRESIDENT FARLEY: 648 is
11 starred at the request of the sponsor.

12 SENATOR KUHL: Yes. And Mr.
13 President, on behalf of Senator Hannon -

14 ACTING PRESIDENT FARLEY: Getting
15 a little noisy.

16 SENATOR KUHL: -- I wish to call
17 up his bill, Senate Print 3171A, recalled from
18 the Assembly which is now at the desk.

19 ACTING PRESIDENT FARLEY:
20 Secretary will read the bill.

21 THE SECRETARY: By Senator
22 Hannon, Senate Bill Number 3171A, an act to
23 amend the Private Housing Finance Law.

1 ACTING PRESIDENT FARLEY: Senator
2 Kuhl.

3 SENATOR KUHL: I now move to
4 reconsider the vote by which this bill was
5 passed and ask the bill be restored to the order
6 of third reading.

7 ACTING PRESIDENT FARLEY: The
8 Secretary will call the roll on reconsideration.

9 (The Secretary called the roll on
10 reconsideration.)

11 THE SECRETARY: Ayes 44.

12 ACTING PRESIDENT FARLEY: The
13 bill is before the house.

14 Senator Kuhl.

15 SENATOR KUHL: I now move to
16 discharge from the Committee on Housing and
17 Community Development Assembly Print 4618A and
18 substitute it for Senator Hannon's identical
19 bill. The Senate bill on first passage was
20 voted unanimously. I now move the substituted
21 Assembly bill will have its third reading at
22 this time.

23 ACTING PRESIDENT FARLEY:

1 Substitution is ordered.

2 Read the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Unanimous.

9 ACTING PRESIDENT FARLEY: The
10 bill is passed.

11 SENATOR LEICHTER: Mr. President,
12 was it the same vote as before?

13 ACTING PRESIDENT FARLEY: It was
14 passed yesterday unanimously. It's a cross.

15 The bill is passed if I didn't
16 say that.

17 We have a substitution, Senator
18 Padavan. Is that all right to go ahead with
19 that?

20 The Secretary will read a
21 substitution.

22 THE SECRETARY: On page 39 of
23 today's calendar, Senator Seward moves to

1 discharge the Committee on Investigations,
2 Taxation, and Government Operation from Assembly
3 Bill Number 7608 and substitute it for the
4 identical Third Reading 913.

5 ACTING PRESIDENT FARLEY:
6 Substitution is ordered.

7 Senator Padavan, that seems to be
8 most of the housekeeping.

9 SENATOR PADAVAN:
10 Non-controversial, Mr. President.

11 ACTING PRESIDENT FARLEY:
12 Non-controversial. The Secretary will read.

13 THE SECRETARY: On page 5,
14 Calendar Number 173, by member of the Assembly
15 Farrell, Assembly Bill Number 2853, an act to
16 amend the Banking Law, in relation to permitting
17 expanded investments by savings banks.

18 ACTING PRESIDENT FARLEY: Read
19 the last section.

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

22 ACTING PRESIDENT FARLEY: Call
23 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 47.

3 ACTING PRESIDENT FARLEY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 465.

7 SENATOR PADAVAN: Lay it aside
8 for the day.

9 ACTING PRESIDENT FARLEY: Lay it
10 aside for the day.

11 THE SECRETARY: Calendar Number
12 652, by Senator Tully, Senate Bill Number 1015A,
13 an act to amend the Public Health Law, in
14 relation to utilization review agents.

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 47.

23 ACTING PRESIDENT FARLEY: The

1 bill is passed.

2 SENATOR BRUNO: Calendar Number
3 706, by Senator Spano, Senate Bill Number 4276.

4 SENATOR GOLD: Lay it aside.

5 ACTING PRESIDENT FARLEY: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 715.

9 SENATOR PADAVAN: Lay it aside.

10 ACTING PRESIDENT FARLEY: Lay it
11 aside. For the day?

12 SENATOR PADAVAN: Yes.

13 ACTING PRESIDENT FARLEY: For the
14 day.

15 THE SECRETARY: Calendar Number
16 739, by Senator Levy, Senate Bill Number 4845,
17 amends Chapter 209 of the Laws of 1962.

18 ACTING PRESIDENT FARLEY: Read
19 the last section.

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

22 ACTING PRESIDENT FARLEY: Call
23 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 47.

3 ACTING PRESIDENT FARLEY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 755, by member of the Assembly Ortloff, Assembly
7 Bill Number 6169, an act to amend the Highway
8 Law, in relation to the description of the
9 Seaway Trail.

10 ACTING PRESIDENT FARLEY: Read
11 the last section.

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

14 ACTING PRESIDENT FARLEY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 47.

18 ACTING PRESIDENT FARLEY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 761, by Senator Levy, Senate Bill Number 4802,
22 an act to amend the Public Authorities Law, in
23 relation to requiring the Rochester-Genesee

1 Transportation Authority.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 47.

10 ACTING PRESIDENT FARLEY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 767, by Senator Levy, Senate Bill Number 5489,
14 to repeal Paragraph c of subdivision 1 of
15 section 401 of the Vehicle and Traffic Law.

16 ACTING PRESIDENT FARLEY: Read
17 the last section.

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

20 ACTING PRESIDENT FARLEY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 47.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 777, by Senator Lack, Senate Bill Number 4282,
5 an act to amend the Labor Law, in relation to
6 required notice.

7 ACTING PRESIDENT FARLEY: Read
8 the last section.

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

11 ACTING PRESIDENT FARLEY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 47.

15 ACTING PRESIDENT FARLEY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 778, by Senator Lack, Senate Bill Number 4549,
19 amends Chapter 206 of the Laws of 1974, amending
20 the Labor Law.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 SENATOR GOLD: Lay it aside.

6 ACTING PRESIDENT FARLEY: Lay it
7 aside. Withdraw the roll call.

8 THE SECRETARY: Calendar Number
9 779, by Senator Lack, Senate Bill Number 4748,
10 an act to amend the Labor Law, in relation to
11 extended benefits.

12 ACTING PRESIDENT FARLEY: Read
13 the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 47.

20 ACTING PRESIDENT FARLEY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 780, by Senator Lack, Senate Bill Number 4949,

1 an act to amend the Labor Law, in relation to
2 extending the time for employers to make
3 voluntary unemployment insurance contributions.

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

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

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 48.

12 ACTING PRESIDENT FARLEY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 782, by Senator Lack, Senate Bill Number 4818.

16 SENATOR GOLD: Lay it aside.

17 ACTING PRESIDENT FARLEY: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 790, by Senator -

21 SENATOR PADAVAN: Lay it aside
22 and lay aside 791.

23 ACTING PRESIDENT FARLEY: Lay it

1 aside, and also 791.

2 THE SECRETARY: Calendar Number
3 801, by Senator Johnson, Senate Bill Number
4 4775, Environmental Conservation Law, in
5 relation to -

6 SENATOR GOLD: Lay it aside.

7 ACTING PRESIDENT FARLEY: Lay it
8 aside.

9 THE SECRETARY: Calendar Number
10 816, by Senator Skelos, Senate Bill Number 1156,
11 Executive Law and the Penal Law.

12 SENATOR GOLD: Lay it aside.

13 ACTING PRESIDENT FARLEY: Lay it
14 aside.

15 THE SECRETARY: Calendar Number
16 818, by Senator Johnson, Senate Bill Number
17 1898, Executive Law, in relation to parole
18 release.

19 SENATOR GOLD: Lay it aside.

20 ACTING PRESIDENT FARLEY: Lay it
21 aside.

22 THE SECRETARY: Calendar Number
23 823, by Senator Cook, Senate Bill Number 2410,

1 proposing amendment to the Constitution.

2 SENATOR LEICHTER: Lay it aside.

3 ACTING PRESIDENT FARLEY: Lay it
4 aside.

5 THE SECRETARY: Calendar Number
6 833, by Senator Holland, Senate Bill Number
7 3656, Social Services Law.

8 SENATOR GOLD: Lay it aside.

9 ACTING PRESIDENT FARLEY: Lay it
10 aside.

11 THE SECRETARY: Calendar Number
12 839, by Senator Cook, Senate Bill Number 2409,
13 an act to amend the Vehicle and Traffic Law.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 49.

22 ACTING PRESIDENT FARLEY: The
23 bill is passed.

1 THE SECRETARY: Calendar Number
2 844, by Senator Larkin, Senate Bill Number
3 43 -

4 SENATOR GOLD: Lay it aside.

5 ACTING PRESIDENT FARLEY: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 847, by Senator DeFrancisco, Senate Bill Number
9 4556, an act to amend the Civil Service Law, the
10 Education Law.

11 SENATOR GOLD: Lay it aside.

12 ACTING PRESIDENT FARLEY: Lay it
13 aside.

14 SENATOR GOLD: Hold on. No, I
15 have no problem with that.

16 ACTING PRESIDENT FARLEY: Read
17 the last section of the prior bill.

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

20 ACTING PRESIDENT FARLEY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 49.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 The Calendar Number on that bill
4 in a just passed? 847.

5 THE SECRETARY: Calendar Number
6 858, by Senator Volker, Senate Bill Number 2630,
7 an act to amend the Criminal Procedure Law, in
8 relation to pre-sentence reports.

9 ACTING PRESIDENT FARLEY: Read
10 the last section.

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

13 ACTING PRESIDENT FARLEY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 50.

17 ACTING PRESIDENT FARLEY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 860, by Senator Skelos, Senate Bill Number 3612,
21 an act to amend the Criminal Procedure Law.

22 ACTING PRESIDENT FARLEY: Read
23 the last section.

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

3 ACTING PRESIDENT FARLEY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 49, nays 3,
7 Senators Galiber, Gold and Leichter recorded in
8 the negative.

9 ACTING PRESIDENT FARLEY: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 860.

13 SENATOR PADAVAN: Lay it aside
14 for the day.

15 ACTING PRESIDENT FARLEY: Lay it
16 aside for the day.

17 THE SECRETARY: Calendar Number
18 874, by Senator Holland, Senate Bill Number
19 5006, an act to amend the Public Authorities
20 Law.

21 SENATOR LEICHTER: Lay it aside.

22 ACTING PRESIDENT FARLEY: Lay it
23 aside.

1 SENATOR LEICHTER: I'm sorry.

2 ACTING PRESIDENT FARLEY: Would
3 you call up that bill again.

4 THE SECRETARY: Calendar Number
5 874, by Senator Holland, Senate Bill Number
6 5006, an act to amend the Public Authorities
7 law.

8 ACTING PRESIDENT FARLEY: Read
9 the last section.

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

12 ACTING PRESIDENT FARLEY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 52, nays 1,
16 Senator Kuhl recorded in the negative.

17 ACTING PRESIDENT FARLEY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 875, by Senator Padavan, Senate Bill Number
21 1853A, an act to amend the Agriculture and
22 Markets Law.

23 ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 53.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 876, by Senator Kuhl, Senate Bill Number 3413,
12 Agriculture and Markets Law and the Economic
13 Development Law.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 SENATOR LEICHTER: Lay it aside.

22 ACTING PRESIDENT FARLEY:
23 Withdraw the roll call. Lay the bill aside.

1 THE SECRETARY: Calendar Number
2 877, by Senator Johnson, Senate Bill Number
3 4653, Agriculture and Markets Law, in relation
4 to creating an advisory council.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 52, nays 1,
13 Senator Libous recorded in the negative.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 878, by Senator Kuhl, Senate Bill Number 4654,
18 Agriculture and Markets Law, in relation to
19 agricultural assessments.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

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

1 ACTING PRESIDENT FARLEY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 53.

5 ACTING PRESIDENT FARLEY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 879, by Senator Cook, Senate Bill Number 4753,
9 Agriculture and Markets Law, in relation to
10 examination of horses.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 53.

19 ACTING PRESIDENT FARLEY: That
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 882, by Senator Kuhl, Senate Bill Number 5223,
23 Agriculture and Markets Law.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 53.

9 ACTING PRESIDENT FARLEY: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 891, by Senator Levy, Senate Bill Number 1114,
13 an act to amend the Vehicle and Traffic Law, in
14 relation to suspension pending prosecution.

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 SENATOR DeFRANCISCO: Can I
23 explain my vote?

1 ACTING PRESIDENT FARLEY: Senator
2 DeFrancisco, to explain his vote.

3 SENATOR DeFRANCISCO: The way I
4 read this bill, and I hope I'm correct in
5 reading it, it talks about a suspension pending
6 prosecution for a first offense on a DWI. I
7 really believe that if someone is being charged
8 with a crime, that's a charge; and I would hope
9 that we would recognize that. This isn't that
10 I'm against DWI legislation; but on the other
11 hand, if someone is merely charged with an
12 offense, suspending the license at the time of
13 the arraignment is a little bit stiff before you
14 even know whether or not there's any validity to
15 any charges.

16 I can see this type of thing when
17 we are into a second and a third and a fourth
18 offense; but on the first offense, I think it's
19 a bit of an overkill. So I'm going to vote no
20 for that reason.

21 ACTING PRESIDENT FARLEY:
22 Negatives raise their hands, please.

23 THE SECRETARY: Those recorded in

1 the negative on Calendar Number 891 are Senators
2 Daly, DeFrancisco, Farley, Holland, Kuhl, Sears,
3 and Sheffer, also Senator Wright. Ayes 45, nays
4 8. Also Senator Saland recorded in the
5 negative.

6 ACTING PRESIDENT FARLEY: Senator
7 Hoffmann.

8 SENATOR HOFFMANN: Mr. President,
9 I believe I was a little late getting my hand up
10 a while ago. Could I please be recorded in the
11 negative on Calendar 860.

12 ACTING PRESIDENT FARLEY: 860,
13 Senator Hoffmann is in the negative.

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

16 THE SECRETARY: Calendar 895, by
17 Senator Skelos, Senate Bill Number 4183A, an act
18 to amend the Public Health Law, in relation to
19 the sale of rolling papers or pipes to minors.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

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

1 ACTING PRESIDENT FARLEY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 53.

5 ACTING PRESIDENT FARLEY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 896, by Senator Libous, Senate Bill Number 4548,
9 an act to amend the Mental Hygiene Law, in
10 relation to the provision of services.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 53.

19 ACTING PRESIDENT FARLEY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 897, by Senator Libous, Senate Bill Number 4636,
23 an act to amend the Vehicle and Traffic Law and

1 the Correction Law.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 53.

10 ACTING PRESIDENT FARLEY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 898, by Senator Levy, Senate Bill Number 5551,
14 an act to amend the Vehicle and Traffic Law, in
15 relation to making it a felony to operate a
16 school bus while under the influence of alcohol
17 or drugs.

18 ACTING PRESIDENT FARLEY: Read
19 the last section.

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

22 ACTING PRESIDENT FARLEY: Call
23 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 53.

3 ACTING PRESIDENT FARLEY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 899, by Senator Nozzolio, Senate Bill Number
7 1976, an act to amend the Navigation Law.

8 ACTING PRESIDENT FARLEY: There
9 is a home rule message here at the desk.

10 Read the last section.

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

13 ACTING PRESIDENT FARLEY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 53.

17 ACTING PRESIDENT FARLEY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 900, by Senator Marchi.

21 SENATOR PADAVAN: Lay it aside.

22 ACTING PRESIDENT FARLEY: Lay it
23 aside. For the day, Senator Padavan?

1 SENATOR GOLD: For today.

2 SENATOR MARCHI: For today.

3 ACTING PRESIDENT FARLEY: Yes.

4 THE SECRETARY: Calendar Number
5 901, by Senator Sheffer, Senate Bill Number
6 4527, an act to amend the Navigation Law, in
7 relation to vessel speed.

8 ACTING PRESIDENT FARLEY: Read
9 the last section.

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

12 ACTING PRESIDENT FARLEY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 53.

16 ACTING PRESIDENT FARLEY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 902, by Senator Tully, Senate Bill Number 49,
20 Education Law, in relation to the profession of
21 athletic training.

22 ACTING PRESIDENT FARLEY: Read
23 the last section.

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

3 ACTING PRESIDENT FARLEY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 53.

7 ACTING PRESIDENT FARLEY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 903, by Senator Tully, Senate Bill Number 1735,
11 an act to amend the Education Law, in relation
12 to authorizing physical therapists and
13 occupational therapists to accept referrals.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 53.

22 ACTING PRESIDENT FARLEY: The
23 bill is passed.

1 THE SECRETARY: Calendar Number
2 904, by Senator Sheffer, Senate Bill Number
3 1818, an act to amend the Education Law, in
4 relation to mandatory continuing education for
5 pharmacy.

6 ACTING PRESIDENT FARLEY: Senator
7 Sheffer. To explain his vote?

8 SENATOR SHEFFER: Mr. President.
9 Could we lay that aside for the day, please.

10 ACTING PRESIDENT FARLEY: Yes.
11 Lay the bill aside.

12 THE SECRETARY: Calendar Number
13 905, by Senator Holland, Senate Bill Number
14 3538, Education Law, in relation to submission
15 of audits.

16 ACTING PRESIDENT FARLEY: Read
17 the last section.

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

20 ACTING PRESIDENT FARLEY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 53.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 906, by Senator Farley, Senate Bill Number 4690,
5 Education Law, in relation to residence with
6 parent for determining tuition assistance award.

7 ACTING PRESIDENT FARLEY: Read
8 the last section.

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

11 ACTING PRESIDENT FARLEY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 53.

15 ACTING PRESIDENT FARLEY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 908, by Senator Velella.

19 SENATOR PADAVAN: Lay it aside
20 for the day.

21 ACTING PRESIDENT FARLEY: Lay it
22 aside for the day.

23 THE SECRETARY: Calendar Number

1 909, by Senator LaValle, Senate Bill Number
2 5373, Education Law.

3 SENATOR GOLD: Lay it aside.

4 ACTING PRESIDENT FARLEY: Lay the
5 bill aside. Senator Padavan, they want a day on
6 it. What's your pleasure?

7 SENATOR PADAVAN: With consent,
8 yes. Lay it aside for the day.

9 THE SECRETARY: Calendar Number
10 911, by Senator Libous, Senate Bill Number 5269,
11 Education Law, in relation to providing for the
12 certification of podiatrists.

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

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

17 ACTING PRESIDENT FARLEY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 53.

21 ACTING PRESIDENT FARLEY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number

1 912, by the Senate Committee on Rules, Senate
2 Bill Number 3940B, an act to amend the Tax Law.

3 SENATOR LEICHTER: Lay it aside.

4 ACTING PRESIDENT FARLEY: Lay it
5 aside.

6 THE SECRETARY: Calendar Number
7 913, substituted earlier today, by the Assembly
8 Committee on Rules, Assembly Bill Number 7608,
9 an act to amend the Tax Law, in relation to
10 extending the hotel and motel in Otsego County.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 53.

19 ACTING PRESIDENT FARLEY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 914, by Senator Skelos, Senate Bill Number 5690,
23 amends a chapter of the laws of 1993.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 53.

9 ACTING PRESIDENT FARLEY: The
10 bill is passed.

11 Senator Padavan, that's the first
12 time through.

13 SENATOR PADAVAN: All right.
14 Controversial, Mr. President.

15 ACTING PRESIDENT FARLEY:
16 Controversial.

17 THE SECRETARY: On page 20,
18 Calendar Number 706, by Senator Spano, Senate
19 Bill Number 4276, an act to amend Chapter 677 of
20 the Laws of 1977, amending the Civil Service
21 Law.

22 ACTING PRESIDENT FARLEY: Senator
23 Connor.

1 SENATOR CONNOR: Thank you, Mr.
2 President. I call up my amendment at the desk,
3 waive its reading, and ask to explain it.

4 ACTING PRESIDENT FARLEY: Senator
5 Connor, to explain his amendment.

6 SENATOR CONNOR: The principal
7 bill here would extend the agency shop provision
8 for public employees for two more years. It's
9 now been a sixteen-year experiment that's worked
10 very well. We've over the years debated whether
11 or not to make it permanent.

12 The bill was originally enacted
13 as an experiment. I think it's now in its ninth
14 -- the ninth attempt to renew it. I think it's
15 time to call off the charade of having an
16 expiration date every two years.

17 Again, I think it's unseemly. It
18 forces the public employees and their
19 organizations in New York State to come back to
20 the Legislature hat in hand every two years and
21 ask for something that is nothing more than
22 simple justice; that people who get services
23 from an employee organization pay their fair

1 share of the costs.

2 This does not include forcing
3 employees to pay for political or social
4 activities of the employee organization but
5 merely for the expenses of administration and
6 representation in their employment situation
7 from which they benefit.

8 Senator Spano, I think just
9 brought out the wrong bill today. He has
10 another bill that would do precisely what this
11 amendment does. He filed both bills, and I
12 would urge him to hold this bill, the principal
13 bill, and bring out his bill. Apparently that's
14 not going to happen. I know his heart is in the
15 right place. The bill he first filed to make it
16 permanent was certainly the appropriate thing to
17 do.

18 My amendment would make it
19 permanent, and I urge its adoption because I
20 think no one is fooled by this charade that it's
21 an experiment any more. It's nothing more than
22 forcing these organizations and employees to be
23 held hostage on a two-year basis to the

1 Legislature, and I think it's time to end this
2 system of hostage and ransom, and the fiction is
3 that it's an experiment.

4 So I urge adoption of the
5 amendment.

6 ACTING PRESIDENT FARLEY: On the
7 amendment. All in favor, say aye.

8 (Response of "Aye.")

9 Those opposed, nay.

10 (Response of "Nay.")

11 The nays have it. The amendment
12 is not accepted.

13 Read the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Those recorded in
20 the negative on Calendar Number 1706 are
21 Senators Cook, Hannon, Kuhl, Levy, Maltese,
22 Marino, Padavan and Tully. Ayes 45, nays 8.

23 ACTING PRESIDENT FARLEY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 778.

4 ACTING PRESIDENT FARLEY: Hold it
5 up just a minute. Senate will stand at ease.

6 SENATOR GOLD: Will the sponsor
7 yield to a question?

8 SENATOR PADAVAN: Mr. President.

9 ACTING PRESIDENT FARLEY: Senator
10 Padavan.

11 SENATOR PADAVAN: Senator Gold
12 asked if the sponsor would yield.

13 SENATOR GOLD: Will Senator Lack
14 yield to a question?

15 SENATOR LACK: Absolutely.

16 ACTING PRESIDENT FARLEY: Wait a
17 second. We haven't even read the bill yet.
18 They said to stand at ease.

19 Go ahead. The Secretary will
20 read the bill.

21 THE SECRETARY: Calendar Number
22 778, by Senator Lack, Senate Bill Number 4549,
23 amends Chapter 206 of the Laws of 1974, amending

1 the Labor Law.

2 ACTING PRESIDENT FARLEY: Senator
3 Gold.

4 SENATOR GOLD: Yes. Will Senator
5 Lack yield to a question?

6 SENATOR LACK: Absolutely,
7 Senator.

8 SENATOR GOLD: Senator, this bill
9 extends provisions dealing with energized high
10 voltage lines and work on those lines, and it
11 extends those safety provisions through July 1,
12 1998. I understand from a private conversation
13 with you that this was passed originally in
14 1974; and when I asked you why we're only doing
15 it for five years, you said that's what we've
16 been doing.

17 I mean aside from the fact that,
18 quotes, "that's what we've been doing," if we're
19 dealing with a safety factor in the work place
20 and it's been in there for 25 years, why would
21 we not permanentize it? Is there something that
22 you know that I don't know that says in about a
23 year or two or three, these safety rules are not

1 going to be necessary?

2 SENATOR LACK: Senator, this was
3 as I told you originally done in Chapter 206 of
4 the Laws of 1974, and it has been renewed every
5 five years thereafter. I have think the only
6 reason why it's done on a five-year period is to
7 allow or require a review in light of where
8 technologically in terms of OSHA laws are every
9 five years.

10 By doing it every five years, in
11 effect, it forces the Legislature, which means
12 the industry and the unions and everybody else
13 that are involved, to look at this statute and
14 make sure that the standard -- I mean this is a
15 little unusual. It's a work standard, in
16 effect, that is incorporated in law as opposed
17 to regulatory activity. And it forces us every
18 five years to look at this and make an
19 appropriate decision to go ahead or to revise
20 the statute in light of whatever technology has
21 shown us has happened in the past years. In
22 this particular case nothing, and we are
23 proceeding ahead. If within the next five years

1 there are changes, again, we look at it and make
2 a decision.

3 SENATOR GOLD: Will the Senator
4 yield to a question?

5 SENATOR LACK: Surely.

6 SENATOR GOLD: Senator Lack, are
7 you telling me that if in a year and a half from
8 today as a result of, God forbid, some accidents
9 or whatever, it is determined that these
10 standards should be changed, we will now have to
11 wait three and a half years for an industry
12 review or a legislative review?

13 SENATOR LACK: No, not at all,
14 Senator. If something obviously dramatically
15 happened, we would immediately revise the
16 statute.

17 But I wouldn't want anybody to
18 forget that Section 207A of the Labor Law exists
19 and is sitting there and it was forgotten and
20 changed any legal requirements because
21 technology changed and we never moved to change
22 the statute. By being forced to review it every
23 five years, we know it's there and if changes

1 are necessary, it happens then; and we don't
2 perchance of just having forgotten that it was
3 there involve somebody in a legal situation they
4 didn't have to be because, granted, technology
5 changed, the industry changed but we never
6 changed the statute.

7 SENATOR GOLD: Thank you.

8 Mr. President, on the bill.

9 (Whereupon, Senator Libous was in
10 the chair.)

11 ACTING PRESIDENT LIBOUS: Senator
12 Gold, on the bill.

13 SENATOR GOLD: Mr. President, I
14 appreciate that Senator Lack is carrying the
15 bill to extend the safety standards because it
16 should be extended, and it certainly would be
17 terrible if it lapsed.

18 But once you get past that point,
19 there is absolutely no logic at all to anything
20 Senator Lack said. We have people in many, many
21 industries who are constantly looking at their
22 industries and constantly reviewing standards
23 and changing standards; and they don't run to

1 the Legislature every year or two or five.

2 I draw the analogy to this and
3 the agency shop. I think we really ought to
4 stop it. Some of these things ought to be in
5 the statute permanently; and if they need some
6 changes, we'll change them; but I don't think
7 that the industry needs to hear from us every
8 five years to remind them that there is a safety
9 standard.

10 They are living with this
11 business every single day of the week on the
12 work job and they know the standards. So to me
13 it's just another what I think is a silly
14 exercise of having these bills come up before
15 us.

16 Whether or not there are lobbying
17 groups involved is not even the issue, Senator
18 Lack. On some of the bills we do this to, there
19 are; on some, there may not be.

20 But if these standards are proper
21 in the industry, we ought to just make them the
22 standard by law without a termination date.

23 SENATOR LACK: Mr. President.

1 ACTING PRESIDENT LIBOUS: Senator
2 Lack.

3 SENATOR LACK: Very briefly on
4 the bill.

5 Senator Gold, I certainly
6 understand you; but specifically in this type of
7 standard in which you are talking "hot sticks"
8 as it's referred to, it is one of the few such
9 type labor standards that's actually in law as
10 opposed to either an act of a regulatory body or
11 an industry standard that is set.

12 That's the reason for the
13 periodic review since it is a legal standard
14 rather than a regulatory standard.

15 ACTING PRESIDENT LIBOUS: Read
16 the last section.

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

19 ACTING PRESIDENT LIBOUS: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 55.

23 ACTING PRESIDENT LIBOUS: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 782, by Senator Lack, Senate Bill Number 4818.

4 SENATOR LACK: Lay it aside.

5 ACTING PRESIDENT LIBOUS: Lay
6 that bill aside.

7 THE SECRETARY: Calendar Number
8 790, by Senator Saland, Senate Bill Number 4940.

9 SENATOR SALAND: Mr. President,
10 would you please star that bill.

11 ACTING PRESIDENT LIBOUS: We will
12 star that bill at the request of the sponsor.

13 SENATOR SALAND: Thank you.

14 THE SECRETARY: Calendar Number
15 791, by Senator Saland.

16 SENATOR SALAND: Could I have one
17 day on that, please.

18 ACTING PRESIDENT LIBOUS: Lay
19 that bill aside for one day at the request of
20 the sponsor.

21 THE SECRETARY: Calendar Number
22 801, by Senator Johnson, Senate Bill Number
23 4775, Environmental Conservation Law.

1 ACTING PRESIDENT LIBOUS: Read
2 the last section.

3 SENATOR LEICHTER: Can we have an
4 explanation on that?

5 SENATOR PADAVAN: Lay it aside.

6 ACTING PRESIDENT LIBOUS: Lay
7 that bill aside for one day.

8 THE SECRETARY: Calendar Number
9 816, by Senator Skelos, Senate Bill Number 1156,
10 Executive Law and the Penal Law.

11 SENATOR GOLD: Explanation.

12 ACTING PRESIDENT LIBOUS: Senator
13 Skelos.

14 SENATOR SKELOS: Lay it aside.

15 ACTING PRESIDENT LIBOUS: Lay
16 that bill aside.

17 THE SECRETARY: Calendar Number
18 818, by Senator Johnson, Senate Bill Number
19 1898, an act to amend the Executive Law, in
20 relation to parole release.

21 SENATOR GOLD: Explanation.

22 SENATOR PADAVAN: Lay it aside.

23 ACTING PRESIDENT LIBOUS: Lay

1 that bill aside for the day.

2 THE SECRETARY: Calendar Number
3 823, by Senator Cook, Senate Bill Number 2410,
4 proposing an amendment to the Constitution.

5 SENATOR GOLD: Explanation.

6 SENATOR COOK: Mr. President.

7 ACTING PRESIDENT LIBOUS: Senator
8 Cook.

9 SENATOR COOK: This amendment
10 would put into the Constitution a safeguard for
11 localities and for local property taxpayers that
12 I think is long overdue, and that would simply
13 say that no mandate that was passed by the
14 Legislature would have any impact until the
15 funding was provided for it, simply by saying
16 that no law can be passed and can be effective
17 unless the money is appropriated by the
18 Legislature to follow it.

19 SENATOR SOLOMON: Mr. President.

20 ACTING PRESIDENT LIBOUS: Senator
21 Solomon.

22 SENATOR SOLOMON: Yes. Will
23 Senator Cook yield, please?

1 SENATOR COOK: Yes.

2 SENATOR SOLOMON: Senator, this
3 is the bill that requires us to place the fiscal
4 impact on the front of the bill?

5 SENATOR COOK: Yes, it does.

6 SENATOR SOLOMON: Senator yield,
7 please?

8 SENATOR COOK: Yes.

9 ACTING PRESIDENT LIBOUS: Senator
10 Cook, will you yield?

11 SENATOR COOK: Yes.

12 SENATOR SOLOMON: Senator, under
13 this bill, if we pass or attempt to pass a
14 statewide law that has a fiscal impact that's
15 different on every village and every
16 municipality in the state, are we going to have
17 to print the amount of that impact on every
18 village and every municipality on the face of
19 the bill?

20 SENATOR COOK: Senator, I believe
21 it would be sufficient to place on the bill the
22 total fiscal impact on localities and to have in
23 it an appropriation sufficient to cover that,

1 but the bill would also have to contain language
2 to designate the manner in which that money was
3 to be distributed, because obviously if you
4 didn't have the provision for the funding, then
5 the law would have no effect.

6 So the fiscal note itself
7 wouldn't necessarily have to list all that, but
8 the body of the bill would have to contain the
9 reimbursement mechanism by which each locality
10 would be paid.

11 SENATOR SOLOMON: So that would
12 have to be contained within the bill, not on the
13 face of the bill?

14 SENATOR COOK: Right.

15 SENATOR SOLOMON: Wouldn't that
16 be -- Senator yield, please?

17 ACTING PRESIDENT LIBOUS: Senator
18 Solomon.

19 SENATOR SOLOMON: Senator,
20 wouldn't that be burdensome in terms of doing a
21 breakdown on statewide programs?

22 SENATOR COOK: Mr. President, I
23 suspect it would be sufficient to appropriate an

1 amount of money and to indicate that this money
2 would be distributed to reimburse localities
3 for whatever costs were incurred in the
4 administration of the program so that we
5 wouldn't necessarily have to list every single
6 municipality; but if you had an honest fiscal
7 note (a), and (b) since the mandate would be of
8 no impact unless the money were provided for
9 them, that would be the protection that the
10 municipality would have, providing that language
11 was in the bill that that was the intent of the
12 appropriation.

13 SENATOR SOLOMON: Thank you.

14 SENATOR LEICHTER: Mr. President.

15 ACTING PRESIDENT LIBOUS: Senator
16 Leichter.

17 SENATOR LEICHTER: Mr. President
18 and my colleagues. This really is a totally
19 unworkable requirement, and one that I think
20 would make government very difficult to manage
21 if not almost stymie government from operating
22 in a reasonable manner.

23 I think we all agree with Senator

1 Cook that, to the extent possible, we certainly
2 should avoid mandates of local government; and
3 when we impose mandates, we ought to provide the
4 money, and we probably haven't done enough of
5 that.

6 But to say that the bill that
7 imposes a mandate or, as this particular
8 resolution is worded, that has a direct or
9 indirect fiscal burden -- whatever an indirect
10 fiscal burden is -- and that very well has to
11 provide the appropriation is really unworkable,
12 because we provide monies to localities in the
13 budget in lump sum appropriations, in grants and
14 so on, that cover a lot of different burdens
15 that may be imposed on localities.

16 But to try to do it in each bill,
17 and frankly, there's very few bills we pass -
18 I'd say maybe 50 percent of the bills we pass
19 have some fiscal burden on localities directly
20 or indirectly. Again, I don't know how you
21 define indirectly.

22 So all of these bills are now
23 going to have to provide an appropriation which

1 you can't even figure out. How are you going to
2 be able to quantify that burden, particularly
3 the indirect burden?

4 I think what you do try to
5 achieve and what hopefully you're doing is, in
6 the budget, providing sufficient monies for
7 localities. I don't think we are, but that's
8 what we aim to do, and you do it in terms of the
9 budget. You can't do it in each one of these
10 bills. It's totally unworkable.

11 It would be, I think, a
12 Constitutional Amendment that, frankly, would
13 make us look foolish if it ever got to the
14 voters.

15 SENATOR COOK: Mr. President.

16 ACTING PRESIDENT LIBOUS: Senator
17 Cook.

18 SENATOR COOK: I think that
19 perhaps inadvertently Senator Leichter has
20 described precisely the dilemma because, indeed,
21 probably half of the bills that we pass do
22 indeed impose some kind of a cost, direct or
23 indirect, upon local governments.

1 And the problem is that we are
2 insensitive to that. We pass the bill for some
3 good, intended purpose; and it goes out there,
4 and we let somebody else worry about how they're
5 going to pick up the cost for it.

6 And all this Constitutional
7 Amendment would do would put the focus back here
8 in Albany where it belongs, and say, "Folks, if
9 you are going to decide that there's some good
10 purpose that ought to be accomplished in this
11 state, then you folks decide where the money is
12 going to come to pay for it. Don't send us down
13 some law that says we've got to do something and
14 make us figure out where the money is going to
15 come from."

16 ACTING PRESIDENT LIBOUS: The
17 Secretary will call the roll on the resolution.

18 (The Secretary called the roll on
19 the resolution.)

20 THE SECRETARY: Ayes 54, nays 2,
21 Senators Espada and Leichter recorded in the
22 negative.

23 ACTING PRESIDENT LIBOUS: The

1 resolution is adopted.

2 THE SECRETARY: Calendar Number
3 833, by Senator Holland, Senate Bill Number
4 3656, an act to amend the Social Services Law.

5 ACTING PRESIDENT LIBOUS: Read
6 the last section.

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

9 ACTING PRESIDENT LIBOUS: Call
10 the roll.

11 (The Secretary called the roll.)

12 SENATOR GALIBER: Mr. President.

13 ACTING PRESIDENT LIBOUS: Senator
14 Galiber.

15 SENATOR GALIBER: Whatever the
16 procedure, I would like an explanation.
17 Withdraw partial roll call, or how can I get an
18 explanation? Legitimately, of course.

19 SENATOR PADAVAN: Withdraw the
20 roll call.

21 ACTING PRESIDENT LIBOUS:
22 Withdraw the roll call.

23 SENATOR HOLLAND: Mr. President.

1 ACTING PRESIDENT LIBOUS: Senator
2 Holland.

3 SENATOR HOLLAND: This bill will
4 define and regulate the transportation of
5 medical assistance recipients by ambulet. It
6 will require all ambulet companies to obtain a
7 permit from the Department of Social Services.
8 It gives Social Services the authority to
9 suspend only the claims that are deemed
10 fraudulent. Right now, they can stop all monies
11 that are due to a company, and it provides an
12 orderly structure for enforcement.

13 It is supported by the ambulet
14 industry, and there is no known opposition.

15 SENATOR GALIBER: Just one
16 question.

17 ACTING PRESIDENT LIBOUS: Senator
18 Galiber.

19 SENATOR GALIBER: Yes, thank you,
20 Mr. President. At the present time if there is
21 a dispute over a \$10 item -- I'll make it sound
22 horrible.

23 SENATOR HOLLAND: With an ambulet

1 company?

2 SENATOR GALIBER: Ten dollar -
3 yes, a \$10 item, they can hold up any payment,
4 and the holding up of the payment, does that
5 automatically stop the service?

6 SENATOR HOLLAND: It doesn't stop
7 the service unless the company goes out of
8 business. I mean depending upon how long it
9 takes to get them their money. The business can
10 continue, but it holds up all the money.

11 SENATOR GALIBER: Will they
12 continue? Do they continue? If they have a
13 contract, I know but if they -

14 SENATOR HOLLAND: I believe they
15 continue until they can't do it financially any
16 more, Senator, yes.

17 SENATOR GALIBER: Okay, fine.
18 Thank you, Senator.

19 ACTING PRESIDENT LIBOUS: Read
20 the last section.

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

23 ACTING PRESIDENT LIBOUS: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT LIBOUS: Senator
4 Espada?

5 SENATOR ESPADA: Yes, I would
6 like permission to abstain on this vote, Mr.
7 President.

8 ACTING PRESIDENT LIBOUS: Without
9 objection.

10 SENATOR PADAVAN: No objection.

11 THE SECRETARY: Ayes 55.

12 ACTING PRESIDENT LIBOUS: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 844, by Senator Larkin, Senate Bill Number 4354,
16 Education Law, in relation to expanding student
17 aid programs for Vietnam veterans.

18 SENATOR STACHOWSKI: Explanation.

19 ACTING PRESIDENT LIBOUS:
20 Explanation requested. Senator Larkin.

21 SENATOR LARKIN: Mr. President.
22 The purpose of this bill is to make home study
23 courses certified by the Veterans Administration

1 available under the V.A. Tuition Awards
2 Program. Each year, we allocate approximately
3 \$3 million for veterans tuition awards.
4 Approximately one-third of that amount has been
5 used over the last three to four years. The
6 problem is that a lot of veterans cannot take
7 the full time off, and as these courses are
8 certified by the Veterans Administration. It
9 enables them to progress; and in this time of
10 tough business in the economy, it allows them to
11 get an education in order to assist them in
12 obtaining a job.

13 ACTING PRESIDENT LIBOUS: Read
14 the last section.

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

17 ACTING PRESIDENT LIBOUS: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 56.

21 ACTING PRESIDENT LIBOUS: The
22 bill is passed.

23 THE SECRETARY: Calendar Number

1 876, by Senator Kuhl, Senate Bill Number 3413,
2 Agriculture and Markets Law and Economic
3 Development Law.

4 ACTING PRESIDENT LIBOUS: Senator
5 Kuhl, an explanation is requested.

6 SENATOR KUHL: Yes, Mr.
7 President. This is a bill that essentially
8 would establish an agriculture center for
9 development in the Department of Agriculture and
10 Markets and also establish what's called an
11 agricultural development program within the
12 Department of Economic Development.

13 ACTING PRESIDENT LIBOUS: Senator
14 Leichter.

15 SENATOR LEICHTER: Yes, if
16 Senator Kuhl would just yield, please.

17 ACTING PRESIDENT LIBOUS: Senator
18 Leichter, did you have a question?

19 SENATOR LEICHTER: I did if I can
20 just find the bill. Senator, let me ask you
21 this question. What bothered me about the bill,
22 as I took a look at the memo and the fiscal
23 impact, and you stated, "Well, there was no

1 fiscal impact because no appropriation was being
2 requested for 1993-1994; it will be negotiated
3 in the ensuing fiscal year." But clearly, there
4 is going to be some fiscal impact, and we ought
5 to know at this time, because it seems to me
6 it's sort of like the camel putting its nose in
7 the tent. You pass this, and then there will be
8 an obligation to fund it.

9 Maybe we should fund it. Sounds
10 like a good idea, but we ought to know how much
11 it's going to cost eventually.

12 SENATOR KUHL: Well, Senator, I
13 can't tell you how much the program is going to
14 cost until we really define the program, and we
15 do that generally by appropriation. Every year,
16 as you know, the Governor presents a budget to
17 us, and he tells us what he would like us to
18 spend in various areas. We often agree with him
19 and many times we disagree with him.

20 And there are many programs,
21 particularly in the agricultural arena that the
22 Governor doesn't choose to fund that the
23 Legislature chooses to supplement the budget by

1 restoring funding to programs that existed or by
2 creating new programs, and so this is one of
3 those programs.

4 What we have seen in the course
5 of the past century has been that we have had
6 food processors, major processors in this state,
7 who have left the state of New York. They have
8 not seen any financial incentives for the
9 encouragement of the development of their
10 businesses, as opposed to, say, manufacturing
11 businesses, the economic development zones and
12 creations of that nature. That has not been in
13 existence in the agricultural arena. As a
14 result of that, our farmers find themselves in a
15 place where they have a product but that they
16 have no place to process it.

17 What we're trying to do here is
18 establish essentially a center that will look to
19 coordinating all those efforts and then
20 establish a financial stream that will provide
21 some funding much like exists through the
22 Department of Economic Development today for
23 other industry.

1 So I can't tell you how much it's
2 going to cost. It could cost a million dollars
3 if we chose to appropriate that money to
4 substantiate programs for construction of
5 facilities, location of facilities, job training
6 programs for processors, that sort of thing; but
7 it's just not possible to define it to the penny
8 to tell you what it's going to cost, because we
9 have to delineate the parameters of that whole
10 program in a budgetary cycle, and we haven't
11 done that yet.

12 SENATOR LEICHTER: Mr.

13 President. Senator Kuhl, with all due respect,
14 that is precisely the intent of having a fiscal
15 note, is to have the sponsor say this is what I
16 think it's going to cost. I don't think anybody
17 is asking for the penny. I don't think we have
18 ever applied a rigid or strict standard when we
19 look at the fiscal note. They usually round it
20 off. We usually have a few zeroes at the end.

21 And the whole idea, of course, is
22 for us to take a look now and see what is this
23 going to cost because we're going to have to

1 fund it in the next fiscal year. And I ask you
2 as the sponsor what is your idea? What is the
3 amount of funding that you think this is going
4 to take?

5 SENATOR KUHL: It's going to take
6 whatever we decide will be necessary, Senator.
7 I would love to see the Governor put in \$10
8 million as an incubator kind of program next
9 year. I don't think that that's feasible given
10 the circumstances in this state. I think it's
11 probably more likely to be something like
12 \$100,000 to start off, to get things going. But
13 at this point until -- what I'm trying to do is
14 to set up the vehicle by which we can administer
15 a program to be funded at a later date.

16 SENATOR LEICHTER: Mr.
17 President. If Senator Kuhl (pronounced Cue-al)
18 will yield again for a question?

19 ACTING PRESIDENT LIBOUS: Senator
20 Kuhl, will you continue to yield?

21 SENATOR KUHL: I will continue to
22 yield to Senator Leichter (pronounced Lick-ter),
23 yes.

1 SENATOR LEICHTER: My good
2 friend, Senator Kuhl (Cool). I apologize for
3 mispronouncing your name.

4 SENATOR KUHL: I will continue to
5 yield to Senator Leichter (pronounced
6 correctly).

7 (Laughter)

8 SENATOR LEICHTER: I
9 mispronounced your name.

10 ACTING PRESIDENT LIBOUS: Excuse
11 me, Senator Leichter.

12 Could we just have a bit of order
13 in the chamber. I know that some of us are
14 having a difficult time hearing you, and I'm
15 sure that Senator Kuhl would like to hear your
16 questions. So thank you very much.

17 Senator Leichter.

18 SENATOR LEICHTER: Senator, I
19 assume that you are going to make a proposal to
20 the Governor, maybe through your Conference, of
21 how much this program should be funded in the
22 next fiscal cycle.

23 SENATOR KUHL: Yes, Senator.

1 SENATOR LEICHTER: Could you let
2 us know how much that is. I've never known you
3 or the members of the Majority, when your
4 programs are involved, to defer to the Governor
5 and "Well, I'll -- whatever the Governor says is
6 fine with me; I hope he'll be kind and generous
7 to me." I'm sure you are going to have a
8 suggestion. Could we know what that idea and
9 suggestion is to fund this program?

10 SENATOR KUHL: We don't have any
11 definitive number at this point, Senator.
12 Senator, in fairness to your question and try to
13 answer it for you as fully as I can, I would
14 expect that what we will have to do once we
15 establish the parameters of what we would like
16 to do would be that we would have to go to the
17 Commissioner of Agriculture and Markets -
18 obviously, he is going to be developing and
19 running this center -- and ask him to look at
20 the overall scope of what exists out there and
21 tell us how many people he needs to administer
22 this program that we perceive is necessary. And
23 then, given what the climate is out there and

1 the contacts that they've had with potential
2 people for locating food processing plants here,
3 what would be necessary financially is to give
4 the kind of financial incentives to these people
5 for their location here.

6 That will allow us, then, to
7 arrive at a number. We know this is something
8 that is necessary. I could tell you right now
9 that it will take 10 million. It might take \$100
10 million. I could tell you it might take
11 100,000. It might not take 100,000.

12 I'm trying not to pinpoint a
13 number because I don't know the number. What I
14 know is that there is a necessity for this
15 program. I cannot tell you the expansiveness of
16 that necessity at this point.

17 SENATOR LEICHTER: Mr. President.

18 ACTING PRESIDENT LIBOUS: Senator
19 Leichter.

20 SENATOR LEICHTER: On the bill.

21 ACTING PRESIDENT LIBOUS: On the
22 bill.

23 SENATOR LEICHTER: Just very

1 briefly. I mean I think what is involved here
2 is the integrity of our procedures and what we
3 mean when we say you have to have a fiscal
4 impact statement.

5 Now, we just passed a
6 Constitutional Amendment proposed by Senator
7 Cook, and he wants us to specify and quantify in
8 every instance what is going to be the cost of
9 the programs that we have.

10 Now, my good friend, Senator Kuhl
11 says, "Well, you know, we're going to see once
12 we set it up. I will go to the Commissioner.
13 Let's see what the Commissioner says. Let's see
14 what the Governor says."

15 But the whole idea is when we
16 establish a new program of this sort is that we
17 ought to have some idea. This may be an
18 excellent program. But maybe at 100 million,
19 it's not a good program. At \$100,000, which you
20 indicated at one point might be the cost in the
21 first fiscal year that this program is going to
22 be implemented, that may be a bargain.

23 But, really, we ought to know;

1 and I think you have an obligation to tell us,
2 because especially when we set up a program of
3 this sort which then we're going to have to fund
4 in the next fiscal year. Because now this
5 program is in effect, you go and you say, "Hey,
6 we've established this program; you got to fund
7 it."

8 We don't know what it's going to
9 cost. I think we're entitled to, really, at
10 least an estimate, an honest idea of what you
11 think is needed for that, and if our rules mean
12 anything -- and I don't know whether they do,
13 because we've seen other instances where,
14 apparently, the rules are who they benefit and
15 who they hurt.

16 But I think what's involved here
17 is whether we're serious when we say we want to
18 know what the fiscal impact is of the various
19 measures that we vote on. You could have given
20 us a figure. I think you are obligated to give
21 us a figure; and until you do that, I'm going to
22 vote against this.

23 ACTING PRESIDENT LIBOUS: Read

1 the last section.

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

4 ACTING PRESIDENT LIBOUS: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT LIBOUS: Senator
8 Hoffmann, to explain her vote.

9 SENATOR HOFFMANN: Yes. I am not
10 a sponsor of this bill. It's been developed
11 under Senator Kuhl's direction, but I certainly
12 share with Senator Kuhl the need, the desire to
13 see us do much more than we have in this state
14 to assist economic development that is
15 agriculturally related. I would just remind all
16 of my colleagues that it is our number one
17 industry.

18 And surely, in a state where we
19 can find large budgetary appropriations on short
20 notice for many, many other worthy areas, we
21 have an obligation to start planning now and
22 looking for the right resources to help economic
23 development in the agricultural arena, as well.

1 So I'm very happy to vote in
2 favor of this bill, Mr. President.

3 ACTING PRESIDENT LIBOUS:
4 Results.

5 THE SECRETARY: Ayes 55, nays 2,
6 Senators Galiber and Leichter recorded in the
7 negative.

8 ACTING PRESIDENT LIBOUS: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 912, by the Senate Committee on Rules, Senate
12 Bill Number 3940B, an act to amend the Tax Law,
13 in relation to the imposition of sales and use
14 taxes by the city of White Plains.

15 ACTING PRESIDENT LIBOUS: Read
16 the last section.

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

19 ACTING PRESIDENT LIBOUS: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 57.

23 ACTING PRESIDENT LIBOUS: The

1 bill is passed.

2 SENATOR MEGA: Mr. President.

3 ACTING PRESIDENT LIBOUS: Senator
4 Mega.

5 SENATOR MEGA: On behalf of
6 Senator Levy, Mr. President, on page 18, I offer
7 the following amendments to Calendar Number 677,
8 Senate Print 69A, ask that said bill retain its
9 place on Third Reading Calendar.

10 ACTING PRESIDENT LIBOUS: Without
11 objection.

12 SENATOR MEGA: On behalf of
13 Senator Levy, on page 42, Calendar Number 277,
14 Print Number 195C, I offer the following
15 amendments and ask that said bill retain its
16 place on Third Reading Calendar.

17 ACTING PRESIDENT LIBOUS: Without
18 objection.

19 SENATOR MEGA: Thank you.

20 SENATOR PADAVAN: Any more
21 housekeeping?

22 ACTING PRESIDENT LIBOUS: Senator
23 Padavan, that I believe concludes the

1 controversial calendar for this afternoon.

2 SENATOR PADAVAN: There being no
3 further business, Mr. President, I move that we
4 adjourn until Monday, May 24, 2:30 p.m.,
5 intervening days being legislative days.

6 ACTING PRESIDENT LIBOUS: The
7 Senate stands adjourned.

8 (Whereupon, at 1:37 p.m., Senate
9 adjourned.)

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