ALBANY, NEW YORK

June 16, 1993

12:15 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 please find their seats.

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

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

Today, we are pleased to have with us for the opening prayer, the Reverend Father Marcello Latone, pastor of the Holy Trinity Church of Whitestone in Queens, New York.

Father Latona.

REVEREND FATHER MARCELLO LATONA: Almighty God, we bow our heads as we ask for Your blessing.

Gracious creator God, guide and inspire those whom you have entrusted for the care, concern, and guidance of Your people.

We come to You from different paths. Our ancestors have come from the four corners of the earth. Although our paths may

differ, our concern is one -- the welfare and well-being of those who voted for, are represented by and served by those who constitute this great Senate.

In the name of the people of this great state of New York, I implore you to shed Your light when there is darkness, Your understanding when there are conflicts, Your wisdom when there is misunderstanding, and Your way and Your truth in all the decision making that takes place in this illustrious body.

Grace this gathering with Your presence, keep them and their loved ones in Your care, and help them to serve You by serving Your people. May Your gracious blessing come upon them and those they serve so that our journey in Your presence will serve You well in securing the present and insuring the future for those who succeed them and those who follow us.

We ask this of You who live and reign forever and ever.

Amen.

ACTING PRESIDENT FARLEY: The

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Tuesday, June 15. The Senate met pursuant to adjournment. The Journal of Monday, June 14, 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 of state officers.

Motions and resolutions.

Senator Holland, I think you have a motion.

SENATOR HOLLAND: Yes, sir. Mr. President. On page 27, I offer the following amendments to Calendar Number 1112, Senate Print Number 2918A, and ask that said bill retain its

place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Amendments received. The bill will retain its place.

SENATOR KUHL: Yes, Mr. President. On behalf of myself, I would like to remove a sponsor star, Calendar Number 648, Senate Print 3283A.

ACTING PRESIDENT FARLEY: The star is removed at the request of the sponsor.

SENATOR KUHL: Thank you.

ACTING PRESIDENT FARLEY: Senator Present, we have a substitution. Secretary will read it.

THE SECRETARY: On page 31 of today's calendar, Senator Libous moves to discharge the Committee on Rules from Assembly Bill Number 7087 and substitute it for the identical Third Reading 1144.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President.

Let us take up the non-controversial calendar, please.

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

THE SECRETARY: On page 10, Calendar Number 539, by Senator Stachowski, Senate Bill Number 1766B, authorizing the town of Cheektowaga, county of Erie, to lease certain park lands.

ACTING PRESIDENT FARLEY: Senator Stachowski has a home rule message here at the desk.

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 32.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 616, by Senator Bruno.

SENATOR GOLD: Lay it aside for Senator Leichter, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 617, by Senator Bruno, Senate Bill Number 4617A.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 710, by Senator Volker, Senate Bill Number 5396, an act to amend the Retirement and Social Security 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 32.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 862, by Senator Volker, Senate Bill Number 4244A, an act to amend the Civil Practice Law and Rules.

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 31, nays 1, Senator Kuhl recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 982, by Senator LaValle, Senate Bill Number 5782, an act to amend the Criminal Procedure Law.

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

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 32, nays 1, Senator Gold recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1000.

SENATOR PRESENT: Lay it aside for the day, please.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 1013, by Senator Holland, Senate Bill Number 736.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1031, by Senator DeFrancisco, Senate Bill Number 4744, allowing Theodore Alibrandi, an employee

of the city of Syracuse, to obtain retroactive membership in Tier I.

ACTING PRESIDENT FARLEY: Senator DeFrancisco has a home rule message here at the desk.

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 32, nays 1, Senator Gold recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1059, by Senator Cook.

SENATOR GOLD: Lay it aside for Senator -

ACTING PRESIDENT FARLEY: Lay it aside.

SENATOR GOLD: Hold one second. I'm sorry.

SENATOR GOLD: I'm sorry.

ACTING PRESIDENT FARLEY: Senator Cook has a home rule message at the desk.

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 33.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1062, by Senator Daly.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1064, by Senator Sheffer.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for today.

THE SECRETARY: Calendar Number 1065, by Senator Bruno, Senate Bill Number 17 -

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1069.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1088.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1094, by Senator Daly, Senate Bill Number 5200, an act to amend the Environmental Conservation 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 33.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1096, by Senator Padavan, Senate Bill Number 5446.

SENATOR GOLD: Lay it aside for Senator Smith, please.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1100, by Senator Levy, Senate Bill Number 5786, amends Chapter 380 of the Laws of 1992, amending the General Municipal 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 34.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1101.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1107, by Senator Levy, Senate Bill Number 1313.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1109, by Senator Velella, Senate Bill Number 2057, an act to amend the Executive Law and the Social Services 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 35.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1110, by Senator Seward, Senate Bill Number 2684, an act to amend the Real Property Tax Law.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1111, by Senator Hannon, Senate Bill Number 2820, an act to amend the Retirement and Social Security Law, in relation to the earnings of disability pensioners.

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 35.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1113, by Senator Pataki, Senate Bill Number 2954B, authorize the town of Amenia, Dutchess County, to sell certain lands.

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

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 35.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 1114, by

Senator -

SENATOR GOLD: Hold on. Hold on. Just hold on one second.

Keep going.

ACTING PRESIDENT FARLEY: 1114.

THE SECRETARY: Calendar Number 1114, by Senator Cook, Senate Bill Number 3024, an act to amend the Local Finance 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: Aye 37.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR PATAKI: Mr. President.

ACTING PRESIDENT FARLEY: Senator Pataki.

SENATOR PATAKI: Mr. President, I request unanimous consent to be allowed to be

recorded in the negative on Calendar Number 1100, by Senator Levy.

ACTING PRESIDENT FARLEY: Senator Pataki will be in the negative on Calendar Number 1100, without objection.

Senator Kuhl.

SENATOR KUHL: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar Number 710.

ACTING PRESIDENT FARLEY: Senator Kuhl will be in the negative on calendar 710, without objection.

SENATOR KUHL: Thank you.

THE SECRETARY: Calendar Number 1115, by Senator Maltese, Senate Bill Number 3265, an act to amend the Social Services Law.

SENATOR LEICHTER: Lay it aside.

SENATOR GALIBER: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1116, by Senator Volker, Senate Bill Number 3575A, Retirement and Social Security Law, in

relation to community college support personnel.

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 40.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1117, by Senator Volker, Senate Bill Number 3576A, an act to amend the Retirement and Social Security 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 40.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1121, by Senator Mega, Senate Bill Number 4295, an act to amend the Penal 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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1122, by Senator Mega, Senate Bill Number 4305A, an act to amend the Penal 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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1123, by Senator Libous, Senate Bill Number 4384A, an act to amend the Mental Hygiene 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 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1124, by Senator Bruno, Senate Bill Number 4600A, proposing an amendment to the Constitution.

ACTING PRESIDENT FARLEY: Call

the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: That resolution is adopted.

THE SECRETARY: Calendar Number 1126, by Senator Johnson, Senate Bill Number 4630, to provide retirement credit to Anthony A. Tafuri.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1128, by Senator Volker, Senate Bill Number 4829, an act to amend the Criminal Procedure Law, in relation to issuance of search warrants.

SENATOR GALIBER: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1129, by Senator Libous, Senate Bill Number 4890A, amends Chapter 113 of the Laws of 1992.

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 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1130, by Senator Libous, Senate Bill Number 4891, an act to amend the Penal Law, in relation to increasing the penalties for repeat convictions.

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 42, nays - ayes 41, nays 2. Senators Galiber and

Leichter recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1131, by Senator Nozzolio, Senate Bill Number -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1133, by Senator Saland, Senate Bill Number 5270, an act to amend the Executive Law, the Criminal Procedure Law, and 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 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1134, by Senator Levy, Senate Bill Number 5359A, authorize the payment of transportation aid to the Roosevelt Union Free School District.

ACTING PRESIDENT FARLEY: Senator Levy has a local fiscal impact note here at the desk.

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 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1135, by Senator Levy, Senate Bill Number 5436, an act to amend the Vehicle and Traffic 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 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1136, by Senator Levy, Senate Bill Number 5437, authorizing the assessor of the town of Babylon, Suffolk County, to exempt from real property tax the Long Island Partnership Housing Development Fund.

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 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

1138, by Senator Saland, Senate Bill Number 5500, 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 47.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1139, by Senator Saland, Senate Bill Number 5501, an act to amend the Domestic Relations 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 45, nays 1, Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

The bill is passed.

THE SECRETARY: Calendar Number 1140, by Senator Johnson, Senate Bill Number 5540, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1141, by Senator Saland.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside for the day, Senator Present?

SENATOR PRESENT: For the day.

THE SECRETARY: Calendar Number 1142, by Senator Tully, Senate Bill Number 5601A, an act to amend the Public Health 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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1143, by Senator Tully, Senate Bill Number 5605, an act to amend the Public Health 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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1147, by Senator Bruno, Senate Bill Number 5806, an act to amend the Tax 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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number Number 1148, by Senator Libous, Senate Bill Number 5812, an act to amend the Tax Law, in relation to sales and use taxes.

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 46.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 1150, by Senator Velella, Senate Bill Number -

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for the day.

THE SECRETARY: Calendar Number 1151, by Senator Spano, Senate Bill Number 5836, an act to amend the County Law, in relation to the power of the county of Westchester.

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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1152, by Senator Sears, Senate Bill Number 5842,

an act to amend the Local Finance Law, authorizing the financing by the city of Utica.

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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

SENATOR PRESENT: Mr. President, will you recognize Senator Sears, please.

ACTING PRESIDENT FARLEY: Senator Sears.

SENATOR SEARS: Mr. President, I have a privileged resolution at the desk, request that you read the same and move for its immediate adoption.

ACTING PRESIDENT FARLEY:

Secretary will read the title.

THE SECRETARY: Legislative resolution, by Senator Sears, congratulating Mr. and Mrs. Vincent J. Danes, upon the occasion of their 50th wedding anniversary.

ACTING PRESIDENT FARLEY: All in favor of adopting the resolution, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Mr. President, will you recognize Senator Nozzolio, please.

ACTING PRESIDENT FARLEY: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. I have a privileged resolution at the desk. I ask that it be read and adopted.

ACTING PRESIDENT FARLEY: Secretary will read the title to Senator Nozzolio's resolution.

THE SECRETARY: Legislative

resolution, by Senator Nozzolio, commending Vincent J. Scalise, Superintendent of Schools for the Geneva School District, upon the occasion of his retirement to be commemorated on Saturday, June 19, 1993.

ACTING PRESIDENT FARLEY: All those in favor of adopting the resolution, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Mr. President, will you recognize Senator Kuhl, please.

ACTING PRESIDENT FARLEY: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. On behalf of Senator Daly, I believe there is a privileged resolution at the desk. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT FARLEY:

Secretary will read Senator Daly's resolution.

THE SECRETARY: Legislative resolution, by Senator Daly, memorializing the distinguished life and career of the illustrious Major General Peter Buehl Porter, Commander of American forces along the Niagara Frontier during the War of 1812.

ACTING PRESIDENT FARLEY: All those in favor of adopting the resolution, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, can we go to controversial calendar, please.

ACTING PRESIDENT FARLEY: Controversial. The Secretary will read the controversial calendar.

THE SECRETARY: On page 11,

Calendar Number 616, by Senator Bruno, Senate Bill Number 4616A, Economic Development Law.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for, Senator Bruno.

SENATOR BRUNO: What is the calendar number?

ACTING PRESIDENT FARLEY: 6-1-6, Calendar 616.

SENATOR BRUNO: What is 616? I have it. Thank you. Who asked for an explanation, Mr. President?

ACTING PRESIDENT FARLEY: I think it was Senator Leichter.

SENATOR BRUNO: Oh, a familiar name. Senator, I welcome the opportunity to revisit this issue with you, because this issue was part of the very comprehensive regulatory review that we did yesterday in this chamber with the support of a lot of your colleagues, and for good reason.

We have in this state several hundred programs, agencies, offices, that are

intended to help businesses in this state function, progress, be successful. The problem is many businesses don't even know that these programs exist. They don't know how to access them. They don't know what the criteria amounts to.

And we in this house, the elected representatives of those people, have no idea how those programs are doing, whether they are successful, whether they do anything, whether they just occupy space. And, Senator Leichter, I know that you would not like to have that situation continue.

So what we attempt to do in this legislation is create a private industry review council. Now, these are private sector people, non-paid from small, medium-sized businesses, large businesses in this state, who are affected by these programs or can be.

Their mission -- I get the feeling that I'm talking to myself sometimes.

Their mission, Senator, is two-fold. One is to take a look at these

hundreds of programs that are available and make recommendations on which should continue, which should be discontinued, how they can be more creative, how they can be more efficient. All very worthwhile objectives.

The second part of the mission would be that the largest agencies in DED, the Department of Economic Development, like UDC, Science and Technology Foundation, JDA, that they themselves establish criteria, performance goals and objectives, and then report continually on how they are meeting those objectives on whether or not they are serving a constituency that they are supposed to serve, or do some of these programs just exist to serve themselves?

Very well intended legislation. I am sure as you continue to study it, Senator, that you will see the merit in supporting this legislation.

SENATOR LEICHTER: Senator Bruno.

ACTING PRESIDENT FARLEY: Senator Leichter, I presume.

SENATOR LEICHTER: Thank you. Thank you for your explanation. Would you be so good as to yield to one or two questions?

SENATOR BRUNO: Yes, Senator.

SENATOR LEICHTER: And maybe I could just preface it. Senator, in our discussion yesterday -- and I acknowledge that in a very comprehensive bill that there were provisions that I thought made sense, but I thought that the overall thrust was probably mistaken and that you had thrown in everything but the kitchen sink. I see you left the kitchen for today.

But I don't mean to be critical of your efforts, and I think some of it I approve it. For instance, I think one of the real problems we have in this state as far as coordinating economic development, we've got this agency, the Urban Development Corporation, which is like a super government, without controls. Some of your suggestions of trying to bring them in under greater scrutiny and supervision I think make a lot of sense. And

I'd love to see a bill which was focused on that, because I submit to you that the Urban Development Corporation has wasted millions of dollars and, in some instances, achieved absolutely nothing. It's sort of the Governor's own private economic development program or agency. So I have no problem with that part of it.

But I think you have aspects to this which I think, at least as I see it, seem to try to really undermine rulemaking powers. You're essentially hostile, you and Senator Wright, to any rulemaking and there is one provision which has been called to my attention which seems to be somewhat difficult, and I just wonder if you would discuss it with us; and that is, the effort to try to reach consensus on rules and to permit the involvement of anybody who would be significantly affected by the rule. How would that work, Senator?

SENATOR BRUNO: Senator Leichter, I know that we've been working late in this chamber. I know that you probably were in here

last night, and we are overworked and, consequently, we should be mindful of that and get some rest. But your question pertains to the wrong bill, Senator.

SENATOR LEICHTER: I thought so, Senator, and that's why I called counsel over because, frankly, I didn't see it in the bill, either.

SENATOR BRUNO: Yes. It is not in the bill, Senator, and I'd be happy to discuss it with you. It's in Calendar 617, which is negotiated rulemaking, that you are looking at and you are referring to. And I hope that's the next bill up and I would be happy to discuss that with you.

On this bill, Senator, are you satisfied that we're following the lead of your President, who has performance planning taking place with all of the governmental agencies at the federal level, and we thought that was one of the few good ideas that your President has put Vice-President Gore in charge of, and we're taking a page out of his book. And here it is

in language right before you, giving you an opportunity to do what has been done in Texas, California already, and that your President wants to do nationally, giving you an opportunity to support here in this state.

SENATOR LEICHTER: Senator, may I just say, say nothing further because you will probably convince me to vote against it.

But I think on this, since I was a little ahead of myself and I was debating the next bill, let's go to that bill and no problem with this bill.

ACTING PRESIDENT FARLEY: Senator Montgomery.

SENATOR MONTGOMERY: Would Senator Bruno agree to answer a question?

ACTING PRESIDENT FARLEY: Would you yield to Senator Montgomery, Senator Bruno?

SENATOR BRUNO: Yes, Senator, with pleasure.

SENATOR MONTGOMERY: Thank you, Senator. Just one quick question. I don't see in the bill -- but I may not be able to read

quickly enough. I don't see the Port Authority. Is there a reason why that would not be included, or is it included and I'm missing it? The Port Authority, as one of the economic development agencies?

SENATOR BRUNO: Senator, it is not included because we have been trying to focus on economic development and the Department of Economic Development that has these hundreds of programs out there. So we weren't looking at all at the Port Authority, what they do and how they function. So that is excluded from the language of this legislation.

SENATOR MONTGOMERY: All right. Thank you, Senator. Just briefly on the bill.

ACTING PRESIDENT FARLEY: On the bill, Senator Montgomery.

SENATOR MONTGOMERY: I'm very happy to support this legislation. I think it is probably well overdue, and I think Senator Bruno is definitely on the right track.

I am very, very anxious to know the outcome already. It is going to be so

important in terms of planning, because I know for sure that a couple of the agencies listed here have not performed up to the expertise in terms of jobs, job creation activities certainly in my district in Brooklyn, and downstate in general. So I welcome this.

I only would say that I wish that we could have included the Port Authority, because it is my understanding that the Port Authority was created specifically to be an engine to create jobs and as an economic development operation in the state, authority in the state of New York, and especially in New York City in the New York City-New Jersey region, and it has not performed up to its mission. And, in fact, there have been a lot of failures that we have seen within that agency which has cost an awful lot of money which we certainly need especially in the New York City region.

So, Senator Bruno, I applaud you, I'm supporting this legislation. My only request would be that you would possibly amend

it and include the Port Authority, because that is a very critical economic development arm, as well.

Thank you.

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 52.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I would request unanimous consent to be recorded in the affirmative on 1139. I misread one of the bills, that bill in particular.

ACTING PRESIDENT FARLEY: Senator DeFrancisco will be in the affirmative on 1139.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Leichter.

SENATOR LEICHTER: May I have unanimous consent to be recorded in the negative on Calendar 862, please.

ACTING PRESIDENT FARLEY: 862, Senator Leichter is in the negative.

The last bill is passed.

617. The Secretary will read.

THE SECRETARY: Calendar Number 617, by Senator Bruno, Senate Bill Number 4617A, an act to amend the State Administrative Procedure Act.

SENATOR LEICHTER: Mr. President, would Senator Bruno yield?

Senator, you have sort of given an explanation, and I think we've had a number of commercials for your bills, and I think we understands all of the things you promised that your bills are going to do.

And as you see, we all supported the last bill, Senator. We do try to look at them carefully, and we know that you present these with a good faith effort, if not always I

think well-directed.

But I'm particularly concerned in this bill where you provide for consensus rulemaking, negotiated rulemaking. Am I correct that anybody who is significantly affected by a rule can ask for the procedure of negotiation with the agency that's promulgating the rules?

SENATOR BRUNO: That is correct, Senator.

SENATOR LEICHTER: Right. And that procedure requires the agency to make publication to set up a committee. I believe you even require to seek mediation under some circumstances with a professional firm or firms engaged in the business of alternative dispute resolution. Is that correct?

SENATOR BRUNO: That is correct, Senator.

SENATOR LEICHTER: Yes. Senator, does that mean that in every rule, that until - or in every instance where an agency seeks to promulgate a rule, whether it's in the environment, whether it's in transportation so

on, say one individual who is significantly affected can require the agency to go through this somewhat cumbersome procedure?

SENATOR BRUNO: Senator, the answer to your question is yes, and I might help some of the people in this chamber. I know you understand this bill, but some of the others might not.

The Governor presently has a negotiated rulemaking system in place in this state. But he did it through his executive order. But his program is flawed, and you will understand why.

If an affected party by a reg wants to negotiate that reg or have some input they appeal to the agency. The agency sets up one of their own as a hearing officer, and then the affected party goes in and discusses this rule with the agency within the agency, and they make a determination.

Now, what we're doing differently is, we're saying that we all recognize that the businesses in this state are overregulated.

Consequently, any new regulation or any substantial revision in any regulation that exists, a notice goes out through the Office of Business Permits to the affected parties giving them an opportunity to respond and request a meeting or meetings to discuss the proposed rule.

Now, what's different is it's not the agency that is doing this objectively. It's the Office of Business Permits. They will set up an arbitrator from an independent group of arbitrators that they will counsel with, and that person will be the facilitator and will be the referee.

And if there is a consensus of two-thirds of the people that are negotiating, well, then, the rule goes forward. If not, then the arbitrator or facilitator can make a judgment on whether or not those that are to be affected have a legitimate case and can recommend that it not happen as proposed by the agency.

So the objective is to create a

discussion, to create conversation rather than having the agencies continually dictate what is best for a business in this state. And the result has been, as we talked about yesterday, that 72 percent of the businesses in this state feel that we in government are hostile to them. Now, that's a tragic situation, but we have been hostile to them.

So we are now, because we can't retroactively correct what we've done to businesses for the last 100 years, as we go forward, we are trying to give businesses a chance to discuss regulations that are going to affect them in some negative way, before it happens.

And that's the intent of this legislation, and I hope I have been helpful in this rather lengthy explanation.

SENATOR LEICHTER: Senator Bruno, you are always helpful, and I thank you.

Mr. President. On the bill.

ACTING PRESIDENT FARLEY: On the bill. Senator Leichter.

SENATOR LEICHTER: You know, the problem is that the aims and purposes of Senator Bruno's bills and the actual content really are not in conformity. They don't meet.

I think all of us want this state to be business friendly, to be helpful to business. But at the same time, we want to protect the people of this state, to see that the environment is a friendly environment. We want to improve the quality of life, and we want to see that business is conducted in such a way that consumers and other businesses are protected in various areas. And as a consequence, we have of necessity agencies that make rules.

Now, we don't want agencies to make rules in an arbitrary manner, so we have a big chapter of the laws that's called the Administrative Procedure Act that requires hearings and that tries to put in an element of due process. What the Governor did, in addition, is he set up a system where under some circumstances, you can have negotiations to

provide even more public input.

Now, that procedure, I'm sure, could be improved in various respects, and if Senator Bruno puts forth a bill that targets that, that does this in an understandable, in a directed fashion, I'm sure there would be a lot of support. I would certainly support it.

But you, Senator Bruno, as you do at times, you go far beyond that. And what you've ended up with is really a frontal attack on the whole system of rulemaking because, as I said, essentially you are hostile to rulemaking. You forget about the environment. You forget about consumers. You forget about having a level playing field for business. And you become so focused on trying to assist certain businesses that you really forget the public interest.

And the difference between what you do in this bill and what we have presently is -

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

SENATOR LEICHTER: Can I just finish this point, Senator Bruno?

ACTING PRESIDENT FARLEY: He doesn't care to yield.

SENATOR BRUNO: Yes, Mr. President. Thank you.

SENATOR LEICHTER: And the difference is that you mandate an extremely cumbersome procedure that can be triggered by any one individual saying, "I am significantly affected." You then put the whole rulemaking on hold. You delay it. You frustrate it. You require it to go through an extensive procedure. That is unjustified when the individual or individuals may have really a frivolous objection. But under your bill, if they have a significant interest, they have an absolute right to do this.

The Governor's system, as I understand it, and I have just a passing acquaintance with it, allows for some judgment to be made whether it makes sense. You can't in every instance require agencies to go through

this procedure without having some way of determining whether that one individual, significantly affected, has a valid ground. And mind you, he's already had a chance at public hearings and so on.

Now I will yield.

SENATOR BRUNO: Thank you.

ACTING PRESIDENT FARLEY: Now, he will yield. Senator Bruno.

SENATOR BRUNO: Senator, I appreciate what you are saying and, sincerely, I appreciate your concern for the public and protecting the public. But I also have a concern that there is not a full understanding of this legislation, and I think some of your comments are going to confuse our colleagues and I know that you don't want to do that.

Because what I'm hearing you say puts you in agreement with what we're doing, and yet you say I'm not acting in the public's best interest because I am too broad.

Number one, Senator, question for you. Do you understand that consumers,

environmentalists also can appeal in this negotiated rulemaking and be represented because they are an affected party? Do you know that, Senator?

SENATOR LEICHTER: Senator, my point was that when you say anybody who is significantly affected, that's the whole universe in many of these rules. It's extremely broad. That's precisely the problem, Senator.

SENATOR BRUNO: But, Senator, do you also understand that it's the Office of Business Permits and Regulatory Assistance that will make a judgment on whether or not a petitioner is frivolous, whether they are a significant party, whether they are truly affected? The Office of Business Permits is an agency of government. It's an agency of the executive branch of this government.

And, Senator, do you think that they exist to serve the public or to, in some way, be disruptive? We think that they are there to serve the public, Senator. They make the judgment on all these frivolous things that

you are referring to. They then say, "Yes, you are the petitioner, you are seriously affected and you should have a hearing." Nothing cumbersome about it, nothing expensive about it. The people even have to pay a fee if they want to be on the committee.

And, Senator Montgomery, I know you would be interested in this. They pay a fee of $100 to be represented on this committee for discussion. Why? To know that they are serious, and that they are not just going to waste people's time. Now, you can beat that if people are -- several of them are paying $100 for the privilege of discussing something that's going to affect them that they are serious.

But as an additional safeguard, the facilitator can also say, "You are not ser iously affected; take a hike or take a walk."

SENATOR LEICHTER: But, Senator, you miss the point. You miss the point. The point isn't that that person is significantly affected. I acknowledge that the person is significantly affected. What the point is, does

that person have a valid objection, prima facie valid objection?

You don't give the Office of facilitator -- I'm sorry -- of Business Permits any power other than to determine if the person is significantly affected. As I read your Section 253, it's on page 2, the bottom of the page, line 56. Starting line 53, it says, "... negotiated rulemaking required upon receipt by the office of a request for negotiated rulemaking received from a person whose interests are determined by the office to be substantially affected by such rule or revision."

But the point you've got to look at, does that person really have a valid objection? Does he have some suggestion as to how the rule could be modified or eliminated?

That you don't provide for. Once that person is significantly affected -- for instance, if you have a rule on the environment affecting clean air, every member here, every citizen of the state of New York could require

that you go through that expensive rulemaking because we're obviously all affected, significantly affected by the air we breathe.

ACTING PRESIDENT FARLEY: Senator Bruno.

SENATOR BRUNO: Sure, Senator, if those people wanted to pay $100 and be involved in that committee, the facilitator would make a judgment. If 100 people apply, the facilitator would choose three, four, five of those people that would be representative of the group.

Senator, really, there isn't anything cumbersome about this. It's very workable. Again, I just share with you that a lot of what we're talking about here has been adopted in other states.

David Osborne, I know you read his book Re-inventing Government, as most of us have in this room. Governor Cuomo has certainly read it, because he is moving forward with quality improvements in state government to his credit. I've participated in some of those programs.

All this does is follow improving the quality of life for businesses in this state. So all of these ghosts and all of these spirits and all of these circumstances that you are describing are all ghosts. They are not in this bill.

The Governor's proposal just to conclude this -- the Governor's proposal as it exists, when you get all through with the whole process, the agency walks away and doesn't have to implement any piece of it -- implement none of it. That doesn't seem to make sense.

SENATOR LEICHTER: Senator, maybe on that you're right that we ought to have some other procedure. There is, of course. You can always go to court, and so on.

But I point out I think maybe you and I have really defined certainly the main disagreement we have. You would require this extensive, expensive procedure by anybody who is determined to be significantly affected irrespective of how valid their objections might be. So somebody says, "Well, you have clean air

regulations," could be an environmentalist, "but you have not made the air 100 percent clear," you would have -- that person could force DEC or whoever issues that regulation to go through this extensive procedure. It really makes absolutely no sense.

And what we have here I'm afraid is a very simplistic approach which, frankly, often characterizes the proposals by the Majority. I thought yesterday afterwards about the debate that we had and the program that you presented. And I said, you know, that program, I've heard it, I've seen it. I think we characterized it fairly adequately, but we should have been able to point out and maybe more clearly what that program was.

I realized what it was. That was the old Ronald Reagan program. You cut taxes. You came up with funny money, and you deregulated. It's the same thing. One can say to you as one said about the Kings of France, the Bourbons, "They have learned nothing, and they have forgotten nothing." The very same

prescription that brought this country to the economic catastrophe that we find ourselves in now, the economic hangover. We're left with an enormous deficit, and the scandals that were caused by the deregulation.

Senator, you just can't do it with this sort of meat axe approach, and I think somebody with your intelligence if you focused on it you probably could improve the Governor's practice but what you have done here is to let anybody in the state on almost every rule to come and say, "I'm significantly affected." Now, go ahead, set up the committee. You got to hire private firms. You've got to publish in trade papers. There is an enormous expense to all of this.

What have you accomplished? You have delayed, you've frustrated rulemaking which is really what you are about. I think it's a bad idea.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yes, Mr. President. Nice to see you, sir.

ACTING PRESIDENT FARLEY: Nice to see you.

SENATOR GOLD: Senator Leichter, I have heard this. Maybe I'm closer to Senator Bruno, but I don't think you are getting what he is saying.

Don't you understand if somebody wants to get involved with this and they hire their $15,000 law firm lobbyist or $20,000 law firm lobbyist to take a look and the lobbying firm then reports to them that they got to put up $100, they may not want to go into this. I mean they have already spent 15,000 or 20,000.

We have a system whereby we have been giving authority to agencies to do rulemaking. Now, Senator Bruno, I can't blame you for a lot of that rulemaking because you are new to the house. Some people have been here as long as fifteen years.

Oh, he's been here fifteen years.

Oh, you have here fifteen

years.

Well, for fifteen years, Senator Bruno, you have been part of a process that gives the agencies this power, and part of that power is that they are going to regulate, and the big difference between what you are saying and what the Governor is saying is like the Grand Canyon.

It is the agency that has the power. It is their responsibility. If they are overregulating, Senator, then I suggest to our Administrative Regulations Review Commission or any other way you think we get rid of the bad regulation. But you don't set up a roadblock to new regulations which may be needed and which may be good.

The issue here is not the number of regulations. It's whether they are good or bad. So let's get rid of those which are over regulation and which are bad but not put roadblocks in the way of the good ones.

And in terms of the public input, the reason why the Governor's system makes

sense, Senator Bruno, is that it opens the door for people to participate and make sure that they have some avenue by which their views can be put forth.

But when you say, after that, the agency can do what it wants to do, yes, they are the ones that have the legal power. What you are doing, Senator, is a huge jump in governmental philosophy and I think even more so than what Senator Leichter very, very well pointed out.

The legislative power under the Constitution is in this body and in the Assembly. The Constitution says we may in certain defined situations create rulemaking authority in the agency. Nowhere in the Constitution does it say that we may then set up a system where members of the public by filing $100 can get involved in what is actually a law making process and override it.

It makes no sense. It is a huge huge stretch of giving of legislative governmental authority, and I think that it is a

bad precedent.

I will close by pointing out what Senator Leichter pointed out when he stood up to begin with. On your prior bill, Senator, we all voted for it. We are not against the concept of allowing business to properly operate and to have the agencies have some reins on them. But the process you are setting up here I think first of all is illegal constitutionally, but even if it wasn't, it makes no sense.

The public should have input. You should always cherish the opinion of a constituent or a member of the public be it a business or an individual, but you don't use that as a cop-out to the authority necessary by an agency in order to do rulemaking.

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, nays 2, Senators Gold and Leichter recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1013, by Senator Holland, Senate Bill Number 736, an act to amend the Social Services Law.

SENATOR GOLD: Explanation, please.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Senator Holland.

SENATOR HOLLAND: Mr. President, this bill is known as "Learn Fare" and is modeled after similar programs in Wisconsin, Michigan and Ohio, and a similar program also has been endorsed or suggested by the Governor.

It is a three-year demonstration project establishing educational requirements for public assistance payments, in order to receive public assistance payments. It really is to keep young people in school.

People receiving public assistance who are under 20 years of age who are parents or who are residing with a natural or adoptive parent and who have not graduated from high school or received a GED would be required to attend school.

The demonstration project would be established in not more than fifteen school districts. Children who have ten or more full days of unexcused absence from school during the most recent completed school semester would be warned and placed on review on a monthly basis. If non-compliance continues, the child will be removed from the AFDC rolls or other public assistance grants in the next possible payment month.

The purpose of the bill I think goes without saying. Some of the school dis tricts in the city of New York have dropout rates of up to 30 percent, and this is to en courage young people to finish their education. It is not a punishment. It is to encourage young people to finish their education, to

reduce welfare dependency and to prepare young people to live and work in this society and be educated enough to take care of their families.

ACTING PRESIDENT FARLEY: Senator Gold.

Senator Present, why do you rise?

SENATOR PRESENT: Mr. President, can we have the last section of this bill read, allow Senator Maltese to vote?

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: How do you vote, Senator Maltese?

SENATOR MALTESE: Aye.

SENATOR GOLD: I what?

ACTING PRESIDENT FARLEY: Close the roll call.

Senator Gold, I think you have the floor.

SENATOR GOLD: Yes, thank you.

Yes, I yield to Senator Hoffmann.

SENATOR HOFFMANN: Mr. President. We have been around the barn on this bill a couple of times. This is the bill that is based on the premise that somehow school children can be forced to attend a school more frequently if food is taken off the family table. There is no logic in that in my mind. There is no logic in many of the minds of my constituents with whom I have spoken on this subject.

I don't want to take too much of our time today to go back over the details on this bill. This is another example of poor bashing. This is one of those clever little gimmicks that allows some people in government to claim that they are doing something in the best interests of the taxpayers by getting tough with people who allegedly abuse the system.

In this case, those alleged abuses are poor school attendance by school age students, and the punishment makes absolutely no sense because it simply does not fit the crime.

We're not dealing with academic discipline here. We're dealing with nutrition.

And it flies in the face of the real problem we have, which is that many of these students who are truants or who have a poor attendance record are in single-family homes, and instead of providing additional support for those families who are in most instances single mothers -- not single fathers, but single mothers. Instead of providing support, instead of recognizing the flaw in that family structure, we are instead making it tougher for those families to raise those children.

What mother of any economic background would say to three or four children, "I can only feed three of you tonight because the food allowance has been cut, and Johnny here is not entitled to eat at this table any more?"?

I ask you. Is there anyone here who thinks that makes even a little bit of sense? But that is what this bill would do if it was passed.

I certainly intend to vote no, and I do not intend to stop speaking about the absurdity of this measure and, more importantly, how it represents a very serious flaw in the way we approach our responsibility to address the problems of poverty and the need for improved social structure and enhancements in this state.

ACTING PRESIDENT FARLEY: Read the last section.

Oh, Senator Espada.

SENATOR ESPADA: Mr. President, I cannot let the opportunity go by and not speak to this matter of -- I was a teen-age father at the age of 17, and I was on public assistance at the same time, teen parent, and I had to face the realities that this legislation allegedly speaks to.

And to condition a benefit on attendance. There was nothing more that I wanted to do than to attend school, but the pressures that led to me being a teen parent, the pressures that kept me away from school at the time had nothing to do with sanctioning me

for not going to school.

They wouldn't have gotten me to the school. They wouldn't have put me into a better relationship with my parents. They wouldn't have jump-started me out of poverty or into being a responsible parent.

And I concur wholeheartedly with Senator Hoffmann that, in fact, if we really want a true, a real, a positive and progressive focus on poverty, the causes of poverty, the causes of dropout, teen parenting and the like, let's take this more seriously than introducing legislation like this.

I am personally taken aback by it and would encourage all people of conscience, all people that really want to deal with the realities of these problems, to vote against it.

ACTING PRESIDENT FARLEY: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I just want to speak briefly to this bill. I think we've had this legislation

before us in the past, and it's very unfortunate that, while I understand the intent of it which is very admirable, I think the problem is that as Senator Hoffmann has so eloquently stated in her comments that we are punishing the victim again and, moreover, victims who are most vulnerable, and those are children and parents, primarily single parents, which is what the group that you would be targeting with this is.

And let me just say that there have been experiments with this kind of program, Senator, and the problem with it is, Mr. President, that it doesn't work; and, in fact, there is not an incentive, and since there is not an incentive but rather a punishment, it does not work to improve the number of days that a student actually goes to school.

And so you are going to be hurting families in an attempt to force them to -- I believe you include utilize health facilities as well as attend school, and if they -- and you want them to do that. But since you are punishing them rather than providing an

incentive for doing it, it does not work. It's negative reinforcement, and so it has not been successful. It will not work in this instance.

And I dare say that I have been noticing recently on the talk shoes that I see more and more of these days that one of the largest issues for families in this country, families across the board of all groups, races, colors, religious and otherwise groups, are experiencing an extreme pressure from problems related to child rearing.

ACTING PRESIDENT FARLEY: Senator Holland, why do you rise?

SENATOR HOLLAND: I wonder if the Senator would yield to a question?

SENATOR PRESENT: Senator, may I interrupt a moment?

May I have the last section read again and allow Senator LaValle to vote.

ACTING PRESIDENT FARLEY: Read the last section for Senator LaValle.

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

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

SENATOR LAVALLE: Aye.

ACTING PRESIDENT FARLEY: Close the roll.

SENATOR PRESENT: Thank you.

ACTING PRESIDENT FARLEY: Senator Holland, I believe you were asking a question of Senator Montgomery.

SENATOR HOLLAND: I just wonder if the Senator will yield to a question?

SENATOR MONTGOMERY: Yes, I will yield.

SENATOR HOLLAND: Senator, I think you are confusing two separate bills, this bill and the Maryland bill that we have also introduced. The Maryland bill says, in effect, that there will be a carrot and a stick for payments going to Medicaid, for prenatal care, et cetera, et cetera.

My question to you is, then, will you support a bill of that nature? Because that bill is on the calendar also.

SENATOR MONTGOMERY: In other words, I'm confusing another bill with this bill.

SENATOR HOLLAND: The Maryland proposal gives penalties for not going to school but also $25 a month for making some requirements, some $25 a month I think for going to prenatal care and that type of thing. It has a carrot and a stick proposal.

And my question to you is will you support -- if you won't support this bill, will you support that kind of bill?

SENATOR MONTGOMERY: I support the carrot side of it, but I don't support the stick side, if you will, Senator.

But let me just continue, and I apologize for confusing the other bill with this one.

But what is clear to people in this country is that families are really suffering under an extreme amount of pressure as it relates to child rearing, especially teenagers, and some states have tried many

different versions of this bill, namely, to punish parents when teenagers don't go to school, make them pay fines, make them responsible for the fact that their children don't attend school.

I think in Connecticut there is some sort of experiment going on, in some other states. And what has happened is in some instances where parents lose the ability to maintain complete control of their youngsters especially as it relates to making them go to school, they have to give up custody of their children in order to keep themselves from going to jail and not being able to support the other siblings in the home or to support themselves and what have you.

So this, clearly, is a very critical period in the social development and fiber of our nation and particularly for families, and I don't think that we in this state want to keep going in the direction of penalizing, punishing families, punishing parents for what they may not have rather than

trying to figure out how we can give them support in helping them work with their own children and get them through school, and these are not only just welfare families, but I'm talking about families across the board, working families included.

So, Senator, certainly -- you know, we don't want to send that signal to any family in this state, but certainly you don't want to further jeopardize the stability of a poor family by doing such legislation as this.

So I would hope you would rethink it, make it more a carrot than a stick, which this is, and give it more -- more real mission in terms of helping families as opposed to penalizing them.

Thank you.

ACTING PRESIDENT FARLEY: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President. I rise in support of this legislation and ask to speak on its behalf.

I ask my colleagues, particularly

those who have risen in opposition to this bill, the simple question of what incentive does any family, particularly a poor family, a poor family not on welfare, what incentive does that poor family have to see that their children go to school?

I think they have a tremendous incentive, an incentive that says my child goes to school, my child will have an opportunity to benefit themselves and their families in the future; that my child will be able to have a better life than I have; that my child will be able to progress in society to get a good job after getting a good education and be a productive member of society, a productive member that everyone could be proud of. That is an important incentive.

I don't believe that this is a poor-bashing proposal. On the contrary, this is a proposal that will help instill responsibility, will help instill a motivation, however small that motivation may be in terms of benefit but may turn the tide in some families

across the state and encourage those families to say, yes, my children must go to school, my children must receive a high school education in order to succeed.

It's not often that I quote Senator Daniel Patrick Moynihan, but a member of your party, of those who have opposed this measure so far, has gone so far as to say that anyone to receive any public assistance benefit should first receive a high school equivalency diploma. That should be a requisite for receiving welfare assistance.

SENATOR WALDON: Mr. President.

ACTING PRESIDENT FARLEY: Senator, why do you rise?

SENATOR WALDON: Will the learned gentleman yield to a question or two?

ACTING PRESIDENT FARLEY: Will you yield, Senator Nozzolio?

SENATOR NOZZOLIO: I will be happy to yield to Senator Waldon.

SENATOR WALDON: Thank you, Senator. Mr. President, would the gentleman

tell me what type of action would be required and mandated under this bill for those who have been tracked into special education, for those who, due to poor nutrition, due to the fact that they were shunted back and forth between various and sundry foster home situations, do not have the capacity to even acquire a GED education let alone a regular high school education? Senator, what would you do with those children?

SENATOR NOZZOLIO: Senator, I'm sure you are aware that children today receive discounted breakfasts and lunches in school, that schools have been, if anything, replacements for parents, replacement for parental responsibility in increasing manner for the last twenty years; and that, in fact, having the child go to school may in fact resolve those nutritional problems that you address.

SENATOR WALDON: May I ask the gentleman a question again?

ACTING PRESIDENT FARLEY: Senator Nozzolio, will you yield?

SENATOR NOZZOLIO: Yes, Mr.

President.

SENATOR WALDON: With all due respect, Senator, I don't think you really responded to the question, but may I ask you, Have you ever to places like the Hotel Martinique in Manhattan, a single room occupancy which is no longer in existence but was a single room occupancy which was in existence within the last twenty years, I may even say the last six or seven years? Have you ever been to such an establishment where these welfare children are shunted back and forth?

SENATOR NOZZOLIO: Senator, no, I have not been at the place you describe.

SENATOR WALDON: In your statement just now about children --if I may continue, Mr. President? May I continue?

ACTING PRESIDENT FARLEY: Yes. You have another question I presume.

SENATOR WALDON: Yes, sir. Thank you. In your statement, moments ago, Senator, you said that attending school would allow children to have a nutritional breakfast and/or

other foodstuffs. Does that statement imply that every child who is living in the city of New York who may be physically near a school and who attends that school will always receive a nutritional breakfast or a nutritional lunch?

SENATOR NOZZOLIO: I have just been advised by counsel, and not being a representative of New York City, but understand that there is mandated by this government free lunch and breakfast in New York City schools.

SENATOR WALDON: Last question.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Mr. President, if I may, last question.

ACTING PRESIDENT FARLEY: Will you yield for another question, Senator Nozzolio?

SENATOR NOZZOLIO: Of course, Mr. President.

SENATOR WALDON: Senator, I can see -- if I can make this comment before the question. I can see that your experiences are

far different from the experiences that I have and the information that I receive from my constituency, and that's understandable because you represent an area, a fine area upstate, and I represent an area that's downstate.

Would you, would you personally entertain the idea of coming to the city of New York as your schedule permits to view first hand the schools that you are speaking so definitively about so that your information base may be improved?

SENATOR NOZZOLIO: Certainly, Senator, I would welcome -- as all our Senators know that we represent a very broad, diverse state, and that I would welcome any type of information that I could gain from attendance at one of the facilities you mention. And let's discuss scheduling that some time this year.

SENATOR WALDON: Thank you very much, Mr. President. Thank you for yielding, Senator.

ACTING PRESIDENT FARLEY: Senator Nozzolio, you have the floor.

SENATOR NOZZOLIO: Thank you, Mr. President.

I am not familiar with every corner of this state, but I am familiar with what it's like to grow up in a family who did not receive the benefit of a high school education. I stand here proudly as myself the product of parents neither of whom were able to go through and receive their high school education.

However, what I am familiar with is the parental responsibility that parents take in ensuring that their children go to school. And that's what this bill is all about, parents ensuring that their children go to school.

It's not poor bashing. It's only responsible conduct. It's the only responsible conduct that is going to break the generational cycle of welfare, and every Senator, every legislator needs to understand that.

Thank you, Mr. President. I support the measure.

ACTING PRESIDENT FARLEY: Senator

Dollinger.

SENATOR DOLLINGER: Mr. President, would the sponsor of this rise to yield to a question?

SENATOR HOLLAND: Yes, sir.

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

SENATOR HOLLAND: Yes, sir.

SENATOR DOLLINGER: Senator, I read the memorandum on this bill. I'm just wondering. How big a problem is this in New York State? Do you know how many kids would be affected by this? Do we have any idea?

SENATOR HOLLAND: I don't have the -- this is a demonstration grant.

SENATOR DOLLINGER: I understand that, and, frankly, that's going to be a big factor on how I come out on this, but I'm just intrigued. Do you know how many people would be impacted?

SENATOR HOLLAND: I can't answer your question with a number of people, but let me reiterate again that Medicaid and welfare is

$22 billion of our $60 billion budget. It's a serious problem, and we're not again trying to punish people.

I can't understand why a mother or a father would stand up and say I shouldn't be required to try to make my child to go to school, because we have been living in a difficult time, because we didn't have the necessary education. I want my child to go to school so he and she doesn't have to do that in the future. I can't understand that kind of logic.

SENATOR DOLLINGER: Okay. Let me just ask a couple of questions because I'm trying to make sure I understand it. I understand it is a demonstration grant and, therefore, there would only be fifteen school districts other than the city of New York. That's correct?

SENATOR HOLLAND: Yes.

SENATOR DOLLINGER: If we did it statewide, if we forgot it was a demonstration project and instead did it statewide, how many

children or how many families do you think it would impact? Are there any estimates?

SENATOR HOLLAND: I'm sorry, I don't know the answer to that question. I can probably get it for you, but I don't have it right here.

SENATOR DOLLINGER: Okay. The other question I have -- and I'm just reading from the summary of the provision. Does it simply require -- excuse me. Mr. President.

(Whereupon, Senator Volker was in the chair.)

ACTING PRESIDENT VOLKER: Senator continues to yield.

SENATOR DOLLINGER: Does it simply require the child to attend school, or to continue to progress through school?

SENATOR HOLLAND: It simply requires the child to attend school and not miss more than ten full days during a semester, during the period of 10 to 20 years of age.

SENATOR DOLLINGER: So, conceivably, a child could go to school and not

progress. Just show up in school, stay in the fifth grade and not get through the system?

SENATOR HOLLAND: That is possible, but I believe that's better than having them hang out on the corner; and by osmosis, they are going to pick up something.

SENATOR DOLLINGER: Okay. The other question is, what's the -- again, through you, Mr. President. What's the age at which that obligation to continue to go to school would end?

SENATOR HOLLAND: 19. At the age 20, you wouldn't have to go any more.

SENATOR DOLLINGER: Let me just ask. Why would you set it at age 20 when we, I think, only require children by law in this state to go to school until they're 16? Isn't that correct?

SENATOR HOLLAND: Yes, I believe that is true. Yes, that is true. We want them to get their education. We want them to be able to progress in society and take care of their families regardless of how long it takes them to

get there.

SENATOR DOLLINGER: Right. I -

SENATOR HOLLAND: The governor's proposal was -- if you recall, Senator, he proposed a Learn Fare from just 16 to 18. However, the problem starts younger than that, and that's why we have it down to age 10.

SENATOR DOLLINGER: Okay. The other question is -- again through you, Mr. President. Does the experience in Wisconsin and Ohio -- I know there's something mentioned in the memo. Do you have any more recent data as to what impact, if any, it's had on education of children who are covered by AFDC payments?

SENATOR HOLLAND: I don't have it with me, but the Ohio data is very promising. I can get that to you also, Senator.

SENATOR DOLLINGER: Mr. President. On the bill, if I could.

ACTING PRESIDENT VOLKER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: This is a very difficult bill for me, and I think my

colloquy with Senator Holland perhaps exemplifies that.

The question becomes whether we are going to deal with this problem on a perception basis or whether we've got any actual data, hard data that show how extensive the problem is.

I understand the motive behind this bill, and I agree with it. I agree with the Governor's proposal, that education becomes critical to breaking what is perceived and what in many cases is a cycle of dependency that people have to be freed from. I think we agree with that.

I will also say that my biggest concern about this bill, in addition to some of the things that we talked about, the age requirement and continuing it to age 20 and potentially generating conflicts conflicts with parents between their 19- and 20-year-old children, I think there is a tremendous problem that could potentially arise there.

I'm also concerned because this

may turn the Department of Social Services into one huge truant agency, that the only thing that they will be concerned about is how often your child goes to school, and they're going to be requiring school districts to report. And the school district will tell you, "We don't have to keep track of them. They are over 16. We don't keep track of those kids. We're not going to police that." Social service departments then have to go out and police that, and next thing you know we're going to have this huge bureaucracy tied up, monitoring our school systems and monitoring student performance.

So I have some very significant reservations about this.

I will do one thing. I'm prepared to at least look at it in a demonstration context, but I think that as part of this, this has to be carefully monitored and it has to be short-term and should be fully evaluated to find out whether we're dealing with simply a perceptual problem; that is, everybody's sense that this is going on or

whether it's an actual existing problem that this is attending to.

So because and solely because it's a demonstration project, I favor trying it. I think that we have to do something, and I'm prepared to try this. I think there's some very significant, very, very significant dangers in it, and it is my hope that whoever monitors this program is going to look extremely carefully at it and make sure that it actually accomplishes something.

Out of a queer and, frankly, out of a desperation to try to deal with this very complicated problem, I'm willing to look at all kinds of solutions. This is one. The Governor's proposal would be another. I'm prepared to look at it and vote in favor of it, but I hope that the other side of the aisle will look at this with a very close evaluative tool to see whether the dangers and the fears expressed by my colleagues here -- if they come to pass, we will have done a disservice and we should discontinue it.

ACTING PRESIDENT VOLKER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. Would Senator Holland yield for a question?

ACTING PRESIDENT VOLKER: Senator Holland yield to Senator Montgomery?

SENATOR MONTGOMERY: Yes, Senator Holland, I'm just wondering. A few years ago, the State Ed Department in conjunction with the graduate center of the City University did a study of women who were on welfare and who were able to somehow receive a degree from college, either two-year or four-year and maintain and have their child care privileges maintained while they were in school, were able after graduation to leave welfare and never return; and in addition, they were able to maintain their families at a level of comfort because of their earnings.

I'm wondering if you are aware of that study or any others that have been done in terms of what actually works to break the cycle

of dependency?

SENATOR HOLLAND: I believe I have heard of this study, Senator, but I don't have the specifics on it, and that's great, and so is the CAP program great. This is another program we think will help, and it will come before your two-year college education so that we can grab young people at age 10 or 12 and get them used to going to school and being there so that they can progress through the school system, learning and being there developing a schedule so they can go into the work force and do the same thing.

SENATOR MONTGOMERY: Right.

SENATOR HOLLAND: Hopefully.

SENATOR MONTGOMERY: Will the Senator yield for just one other question?

SENATOR HOLLAND: Yes.

SENATOR MONTGOMERY: I'm just wondering -

ACTING PRESIDENT VOLKER: Senator yields.

SENATOR MONTGOMERY: -- if in the

vein of Senator Bruno's legislation that we passed a little bit earlier in this session where he is setting up a mechanism to look at and evaluate the outcome of programs that we already have in terms of economic development, if you thought about the possibility of using that concept for looking at whatever there is that exists that actually works where there is proven outcome, where the cycle of dependency has in fact been broken based on that particular intervention, not necessarily in New York State but in some other states as well, where we've seen some things happening particularly for women on welfare. I'm just wondering if that is a direction that you have considered? Because I know how important this is to you, and I support that. But I'm just wondering if you have thought about doing it that way? I certainly -

SENATOR HOLLAND: Yes, Senator, as a matter of fact, there was a bill on this floor a week or ten days ago that would allow Department of Taxation and Finance to give more information to DSS so that they could track

whether former clients were progressing through the system and they hadbeen successful or not.

We are looking at ways to do that. We are very in favor of jobs programs where the money goes to the individuals and they get real jobs. Not government jobs, not pretend jobs, not the bureaucracy rips off the money and the client doesn't get the money, but where they get real jobs and stay in those jobs. We absolutely think that's a good way to go.

SENATOR MONTGOMERY: Thank you, Senator Holland.

Mr. President. Just briefly on this legislation.

ACTING PRESIDENT VOLKER: Senator Montgomery.

SENATOR MONTGOMERY: I think that I understand what Senator Holland wants to do, and that is to figure out a way to really be able to intervene in a way that helps people to break the cycle of dependency, and I think that's appropriate.

I believe, however, that it does

not help to accomplish that in any way as long as you approach it in a way that attempts to penalize individuals because they somehow because of their own fault they fail into this category of dependency. And there are some programs we know that do exist that really help people move up and out, forever, of dependency. And I believe in those programs, and I believe in doing those kinds of things that help people do that as much as anybody in this room.

I hate to have to defend dependency, especially when it pertains to my people. So I want to do it. But we cannot do it in a way that further impedes their ability to get out of the system, and I believe that this does, along with some of the other things that we have in existence that really make people more dependent and keep them further away from ever being able to break that cycle.

And I think that is wrong. That is the wrong way to go, and it in fact does not accomplish the mission that you talk about - that Senator Holland talks about.

So if we can come up with a bill that says let's look at what works to help people break the cycle of dependency, let's really see if we can glean some understanding of what will make a difference in the lives of poor people, that will help them become independent and put them on the road to success right now, not based on the past but based on what the environment is today, right now, all of those obstacles that stand in the way of people. Let's look at what will help them move out of that, then I will be all for it. I can support it. I will go out and say how wonderful Senator Holland is because he has come up or Senator Bruno or whoever comes up with it. I will say myself how wonderful you are because that is what we want. That is what we need, and that is what will make a difference in the lives of poor people in this state.

But this kind of bill which attempts to penalize and punish people, and the wrong people for the wrong reason, I think, is absolutely going in the opposite direction of

helping to break dependency.

And so I am opposed to this kind of legislation.

Thank you, Mr. President.

ACTING PRESIDENT VOLKER: Senator Espada.

SENATOR ESPADA: Will Senator Holland -

ACTING PRESIDENT VOLKER: Excuse me.

Senator Present.

SENATOR PRESENT: May I interrupt you for a moment?

Mr. President, may I have the last section of this bill read again.

ACTING PRESIDENT VOLKER: Read the last section.

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

ACTING PRESIDENT VOLKER: Call the roll.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

ACTING PRESIDENT VOLKER: Senator Larkin -

SENATOR PRESENT: Senator Johnson.

ACTING PRESIDENT VOLKER: Senator Johnson.

SENATOR JOHNSON: Aye.

ACTING PRESIDENT VOLKER: Senator Johnson in the affirmative.

SENATOR PRESENT: And Senator Goodman.

SENATOR GOODMAN: Mr. President, may I ask, please, to be recorded in the affirmative on this bill.

ACTING PRESIDENT VOLKER: Senator Goodman in the affirmative.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Affirmative please.

ACTING PRESIDENT VOLKER: Senator DeFrancisco in the affirmative.

SENATOR PRESENT: Close the roll call and continue.

ACTING PRESIDENT VOLKER: Suspend the roll call.

SENATOR SEWARD: Mr. President, I would like to announce there will be an immediate meeting of the Energy Committee in Room 332.

ACTING PRESIDENT VOLKER: Immediate meeting of the Energy Committee in Room 332.

The roll call on this bill is laid aside.

Senator Espada.

SENATOR ESPADA: Will Senator Holland yield to a question, please?

SENATOR HOLLAND: Yes, sir.

ACTING PRESIDENT VOLKER: Senator Holland yields.

SENATOR ESPADA: Senator Holland, are you familiar with the study commission of the Wisconsin Learn Fare program in 1992?

SENATOR HOLLAND: I have seen the results, some of the results, preliminary results, but I don't have the complete study in

front of me.

SENATOR ESPADA: How would you react to one of the conclusions, and I read from a summary of those conclusions, which found that students -- over half the students it showed poorer attendance after the imposition of these penalties (A)?

(B) how would you react to the fact that an evaluation of this program indicated that sanctioned students showed the highest dropout rate -- or rather, sanctioned students showed the highest dropout rate with about half dropping out?

And there's similar kinds of findings. The evaluation of the Learn Fare program in Wisconsin essentially said it did not achieve the aim that you seek in this legislation.

"Why?" is the question then. Why would you want to pilot such a program in this state when, in fact, the foundations of this program has been evaluated, found to be unsound, unworkable, untenable?

SENATOR HOLLAND: That was a relatively early result. I'm sure the program got better after that. The Ohio results are much better. I don't have the Michigan results.

Senator, if you have a better solution, something that can reduce the 30 percent dropout, something that can reduce the dependency that has gone on for three and four generations, I'm sure anybody in this house would be happy to hear it.

Let me go back to your question earlier in the day, too. You said that you were on welfare when you were young, and you had a problem, young child, et cetera. There are exemptions to this program for getting off of it completely, or not being considered in it, and also for being excused because of the ten days, which I would be glad to read to you.

For example, the good cause exemptions are: Caretaker to a child less than three months old; district determines that child care services are necessary and they are not available; lack of transportation, public or

private; child is prohibited from attending school and expulsion is near. And you can be excused from any one of the ten days for the following reasons: Illness, injury, incapacity of the child or member of the child's family, court required appearance or temporary incarceration, medical or dental appointments for the child or his or her child, death of a relative or friend, observance of a religious holiday, family emergency, breakdown in transportation, suspension, and any other circumstances beyond the control of the child.

We're trying to make it very very easy for the individual to get out of it if they are really interested in going to school, learning, and getting ahead.

SENATOR ESPADA: Senator Holland.

SENATOR HOLLAND: Yes, sir.

SENATOR ESPADA: Unfortunately, the laundry list does not cover the reality of people living on AFDC or people who are poor and living off AFDC in our community.

I think the question has been asked of Senator Nozzolio as to his proximity, his knowledge, qualitative contact with people in shelters, with people living in poverty; and the answer, quite honestly, was that he had very little.

And I would ask the same question of you. Since you have quoted my experience, let me draw from you what your experience is vis-a-vis a qualitative contact day in and day out decade after decade involved in the lives of poor and indigent people?

SENATOR HOLLAND: Certainly I haven't been day in and day out. But as a matter of fact, when I was in the Assembly and the new school superintendent came in, Fernandez, I was on the Education Committee. I wrote the gentleman and said I want to come down and visit your schools because I have heard so many terrible things about classes in bathrooms and classes in boiler rooms. No response. Never asked me to come down there. I never got to see it.

I have, on the other hand, been involved with the president of the Bronx in closing up Medicaid mills and other things, and I have seen some of the things that go on in the areas.

I know everything is not easy down there or any place else, and what we're trying to do is develop a program that will give the education to the people so that they can grow out of those situations and help us grow out of the situations.

SENATOR ESPADA: If I may, Mr. President.

(Whereupon, Senator Farley was in the chair.)

ACTING PRESIDENT FARLEY: Senator Espada.

SENATOR ESPADA: Senator Holland, you seek to do that without the direct involvement and support of people like me who lived the life, who know the life. How can you possibly explain justifying this intervention or any other intervention or the establishment of

social policy without people like me and the people that I represent directly involved in teaching you and helping you along?

I would not only extend an invitation for you to come to me, but I would come to you. I would work in a bipartisan way to seek out the causes and the remedies.

You know, you have commission after commission. We can't do that on this side. On this side of the aisle we can't fund those things. But I would want to work with you, seek out funding for such a thing, do a thorough job, and not seek out an invitation for the real, real experience in working this out directly with the people involved directly with their representatives, inasmuch as I think it's fair that it's only anecdotal evidence that you have. And the hard evidence that exists tells you, "Don't do it; it doesn't work."

On the bill, Mr. President.

ACTING PRESIDENT FARLEY: On the bill, Senator Espada.

SENATOR ESPADA: Yesterday, I got

up and I indicated my displeasure with the continuance of governmental policy that really hurts small businesses by creating over regulation. We listened and learned as newcomers here. We are newcomers in the ranks of legislators, but we're not new to the kinds of issues being discussed here. So I brought and articulated a passion for deregulation, a passion for trying to make businessmen have an easier way in co-existing with government, and we do that honestly, and we do that in a bipartisan way.

The big experiment for this newcomer is to see, for myself really, whether that works both ways because I articulated and shared some very private and personal experiences about my experience with AFDC and my continuing experience with the poor people in my district, the poorest State Senatorial District in this state. And if that's not going to be listened to, then nobody on that side of the aisle can claim any degree of desire to collaboratively and really respectfully consider

any great problem-solving as demonstrated by myself and many people on this side of the aisle time in and time out.

So I ask for the defeat of this bill on the merits and to in a bipartisan way ask that the commission be established so that we can truly study this problem very directly on both sides.

Thank you.

(Whereupon, Senator Gold, Senator Hoffmann and Senator Mendez were standing.)

ACTING PRESIDENT FARLEY: I don't know, they all three stood up at once.

Senator Hoffmann, I think you may have been on the list prior to my coming back to the chair.

SENATOR HOFFMANN: I'll yield to Senator Mendez.

ACTING PRESIDENT FARLEY: Senator Mendez.

SENATOR MENDEZ: Thank you. Thank you. Will Senator Holland yield to a question?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT FARLEY: Senator Holland, will you yield to a question from Senator Mendez?

SENATOR MENDEZ: Senator Holland, how many days do usually children who live in families on public assistance do not go to school as compared with children of non-public assistance families, the difference in days that they go to school? Do you know?

SENATOR HOLLAND: No, I really don't. I don't think it makes any difference, Senator, but I don't know the answer.

SENATOR MENDEZ: I think that this is very important because a study was made, a 1992 study was made, and it showed that the difference in school attendance between non welfare children and welfare children is only three days. It could vary from three to four days.

Well, I granted you, I understand your motivation, your frustration in penalizing from month to month the families of children who

do not attend school, but in a sense when the difference in attendance -- that data provided by this study based on the Wisconsin Learn Fare program is only three days. It is like we want to kill an ant with an enormous brick, only that small amount of time.

I think that also in doing a thorough evaluation of that program in Wisconsin, they found that -- that -- in a multi-year evaluation of the program, they found that one-third of the students attending improved a little bit their attendance. However -- however, 40 percent -- however, over half of the children attending under that program showed less attendance. Their attendance record prior to being in the program worsened.

So that with these studies that are evaluating the effectiveness of the goal which you would want to achieve through this legislation, it shows, however, that the Learn Fare in Wisconsin's experiment has not worked and has, in fact, made things worse than they were before.

So I think that because you are a man, a good person, a good legislator and interested in doing something about the problem that you should just forget about this bill now, go back to the drawing board, and do a little bit of more research in terms of whatever other studies there are that show the multiplicity of factors affecting a child of welfare-recipient parents achieving or not achieving in school.

This in a sense, Senator Holland, is like an oversimplification of the problem, especially when we consider that the difference in school attendance of welfare parents, children of welfare parents versus children of non-welfare parents is only three or four days. I think that our implementing this demonstration project based -- based on such a small difference and the results of the evaluations of that experiment in Wisconsin are so miserable that I think that maybe we should go back at the drawing board and examine all the variables that might be more conducive to increased learning in the children of parents who receive public

assistance before implementing this. I would be most willing to work with you on that.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Thank you.

Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

I listened earlier to an exchange between Senator Holland and Senator Waldon, and I was very intrigued with some of the comments that Senator Holland made in response to questions by Senator Waldon. I wonder for my edification if I might go back and revisit them for a moment because I'm not completely clear on a couple of things.

Would Senator Holland -

ACTING PRESIDENT FARLEY: Senator Holland -

SENATOR HOFFMANN: -- yield?

ACTING PRESIDENT FARLEY: -- to a question from Senator Hoffmann?

SENATOR HOLLAND: I didn't speak

to Senator Waldon, but that's okay.

SENATOR HOFFMANN: Okay. I do remember some questions.

ACTING PRESIDENT FARLEY: I think Senator Nozzolio was answering his questions.

SENATOR HOFFMANN: There was a question, maybe it was from some other member of this side of the aisle, Senator Holland, to whom you responded with some passion about your thoughts on how people had a responsibility to deal with education, and I wonder if you could just revisit that for me.

You said you didn't understand how people couldn't value education or you talked about families.

SENATOR HOLLAND: As I say, I didn't respond to that. But I agree with that. I believe that what we're trying to do here, Senator, is encourage young people to go to school and get their high school education or their GED so they can progress and take care of themselves and their families in the future. That's all we're trying to do.

And if it's not the best way to do it, if we find something better in the future, we will be glad to listen to you or Senator Mendez or Senator Espada and come down to the City and -- well, you are not from the City, but go any place -

SENATOR HOFFMANN: That's right.

SENATOR HOLLAND: -- and listen and try to improve it. This is one step.

As far as the Wisconsin report that everybody seems to have over there, there have been numerous Wisconsin reports, and everybody seems to have the same one. Some of them were involved with the implementation of the program. It's a beginning, and that's all we were saying here. Let's try to encourage and help the young people to go to school.

And I can't understand -- maybe this is what you recall. I can't understand a mother or a father not encouraging or not wanting their young people to go to school, and that's all we're trying to do.

SENATOR HOFFMANN: Thank you,

Senator Holland.

On the bill, Mr. President.

ACTING PRESIDENT FARLEY: On the bill, Senator Hoffmann.

SENATOR HOFFMANN: I appreciate very much Senator Holland's great concern, and I think that certainly all of us share that great desire to see everyone take advantage of educational opportunities out there; find ways, as Senator Montgomery said so well just a short while ago, to eliminate dependency and to break multi-generational dependency. This is one of the greatest issues facing us as a society.

Legislatures all over the country and in Washington debate this issue and look for small ways. Some of them look for large ways. And Senator Holland is to be commended for trying to find a way to address this problem.

Having said that, I am deeply impressed by my colleague, Senator Espada, for sharing a personal perspective that I think needs to be more clearly understood by the sponsors of this bill.

And, once again, I find myself in a situation where it is very difficult to explain the actions of this body. I know, once again, we will be held up to ridicule by some of the media outlets in the state and some of our critics in many of the watchdog agencies for being what they will term "out of touch". Because, unfortunately, I'm looking across the aisle at 35 white male faces.

This is a bill that has come forward as most of our other legislation at this stage of the game not through a committee structure, not after evolution in concert and in close interaction with all members of the Senate or at least those members who care about an issue and work on a committee, but instead it has come about through the political machinations that so dominate this chamber. And those political machinations as evidenced by some of the comments we've heard today and certainly as evidenced by the individuals themselves show that we as a body are out of touch.

This is not the work of a representative democratic body, because if it was, there would be a greater awareness of one of the points that Senator Holland has made over and over again. Senator Holland has used the term "family" and just recently he used the term "mothers and fathers". I can't quote you directly, Senator Holland, but I think you said it very beautifully when you said you think every mother and father needs to take a greater interest in educating his or her child, and I couldn't agree with you more. That was why I proposed an amendment when this bill first came forward, and I proposed it a year ago, that would have shared that sanction that would be imposed upon the custodial parent, that would have shared that sanction between the custodial and the non-custodial parent. And somehow that measure has not been incorporated in this bill. It was voted down on a straight party line vote by the 35 white male faces that I see across the room.

And we have a problem in this

state because there is a perception that we are willing to let delinquent fathers get away with abdicating their responsibility, financially, nutritionally and educationally, and until we get tough with them, until we say to the men of this state who refuse to pay $1.4 billion in court-ordered child support, until we get tough with those fathers who refuse to own up to their paternity, who refuse to take an interest in educating their children and even providing for the nutrition of their children, we are derelict in our responsibility to ending this cycle of dependency.

This bill is a sham. It's not more than a press release that allows a few people to say they are getting tough with people who cheat the system. It does not address the problem of that 16-, 17- or 18-year-old child who is totally rudderless and is no longer responsive to the only parent he or she knows, a single mother who is living on the brink of poverty at all times trying to make do under AFDC.

To say that we will punish that mother and the rest of her children because one of her children, who is admittedly out of control, is not establishing a good attendance record in school makes a mockery of -

ACTING PRESIDENT FARLEY: Senator Nozzolio, why do you rise?

SENATOR HOFFMANN: -- so I will vote no.

SENATOR NOZZOLIO: Mr. President. Will the Senator yield?

SENATOR HOFFMANN: Yes, I will yield.

ACTING PRESIDENT FARLEY: Yes, she will.

SENATOR HOFFMANN: I'll yield.

SENATOR NOZZOLIO: Senator, I was listening very carefully to your comments and seemed to be confused. In your knowledge of AFDC, does it mean that if there is a family that has a father and a mother within the nuclear family, within the residence, that that disqualifies the family for AFDC benefits?

SENATOR HOFFMANN: No. Senator Nozzolio misstates my position. I am not confused.

SENATOR NOZZOLIO: I just - Senator -

SENATOR HOFFMANN: My understanding of the bill -

SENATOR NOZZOLIO: The question -

SENATOR GALIBER: Point of order.

ACTING PRESIDENT FARLEY: Hold on. Hold on.

SENATOR HOFFMANN: I am responding to Senator Nozzolio. Do I have the floor, Mr. President -

ACTING PRESIDENT FARLEY: Well -

SENATOR HOFFMANN: -- to respond to Senator Nozzolio?

ACTING PRESIDENT FARLEY: Are you finished with your question? Senator Nozzolio, are you -

SENATOR HOFFMANN: I am in the process of responding.

ACTING PRESIDENT FARLEY: Just a moment. Just a moment. Is that your question or have you finished with your question?

SENATOR NOZZOLIO: I have asked my question, Mr. President.

ACTING PRESIDENT FARLEY: Senator Hoffmann, you have the floor to answer his question.

SENATOR HOFFMANN: Mr. President. I'm delighted to respond to Senator Nozzolio's question, and I'm sorry that he perhaps is unaware or has forgotten the substance of the amendment to this bill which I introduced earlier this year, and I will just explain that very briefly now.

It is not on the floor today. I'm a quick learner. I figured out after it failed last year on a party line vote and it failed earlier this year on a party line vote that it was really not worth bringing it up again.

I had hoped that having debated it in earnest that there might have been a

desire by the sponsor to incorporate some facets of that amendment within the bill. The amendment would address the inequity of this particular measure in the following way.

The amendment -- and I'm very glad to be able to explain this so that everyone here understands the urgency of this. The amendment would insist that a noncustodial parent, who in 90 percent of the cases or more is a father, would share equally in whatever sanction was imposed by reducing AFDC payments.

In the absence of a clearly defined father or mother who is a noncustodial parent, there were further instructions on how that individual would be located and forced to assume that very responsibility that Senator Holland is desperately seeking as we all are.

That was the essence of the amendment that I had. It is not in any way predicated on an assumption that there are in fact two parents in AFDC households or that there is a difference between one parent or another of a different gender, if that responds

to your question, Senator.

SENATOR NOZZOLIO: Senator -

ACTING PRESIDENT FARLEY: Senator Nozzolio -

SENATOR NOZZOLIO: -- if you will continue to yield?

ACTING PRESIDENT FARLEY: -- has the floor.

SENATOR NOZZOLIO: If you will continue to yield, Senator. I appreciate the explanation of your amendment, but that really wasn't my question. My question was whether or not AFDC is allowed in those households that have a father and mother.

SENATOR HOFFMANN: If they have -- I couldn't hear that. It's a little noisy in the chamber.

SENATOR NOZZOLIO: If AFDC benefits are allowed to those families that have residing in the household a father and a mother? I think your answer -- it wasn't to characterize your position. It was just a simple question, and that the question is asked

because you stated that you are opposed to this bill because it does not have any sanctions on fathers, but in fact you have conceded that AFDC benefits do go to households with fathers and mothers present.

Are you saying that you are supporting the sanction?

SENATOR HOFFMANN: Mr. President. In response to Senator Nozzolio, he has once again misstated my position, and I have to clarify something. First of all, this is not about the merits of AFDC providing benefits to one- or two-parent households. I'm aware there are some circumstances under which AFDC benefits are provided to two-parent households.

The issue on this particular subject is the fact that most of those parents who would be penalized, most of those families who would be penalized under this bill are women and children.

There are, of course, households in which there is a nuclear family, a mother and a father both present and, of course, there

would be a penalty extracted upon them, too. Those in this state are in the great minority.

Therefore, a bill which does not address -- I see Senator Holland nodding in agreement, because this is simply a statement of fact. So the reality here, as so many of us have tried to point out, is that this is another means of punishing those victims of society who are already living in poverty and those who are most helpless. The women and their children will get the message that because somebody has not attended school, the rest of the family will therefore be punished.

That is the concern that I have. And in an effort to involve greater -

ACTING PRESIDENT FARLEY: Senator -

SENATOR HOFFMANN: -- involvement buy fathers -

SENATOR NOZZOLIO: Mr. President.

SENATOR HOFFMANN: -- in the entire process -

ACTING PRESIDENT FARLEY: Senator Nozzolio, why -

SENATOR HOFFMANN: -- I hoped that the amendment would have been included in the bill.

ACTING PRESIDENT FARLEY: Senator Nozzolio, you have the floor.

SENATOR NOZZOLIO: Thank you, Mr. President. Senator, you have answered that question. I have another question.

Are you saying that this measure, Senator, is a measure that should only be focused on those noncustodial parents that do not -

SENATOR HOFFMANN: Point of information, Mr. President. I did not -

ACTING PRESIDENT FARLEY: What is your point of information?

SENATOR HOFFMANN: I did not say that this is a measure -

ACTING PRESIDENT FARLEY: Just a moment!

SENATOR HOFFMANN: I did not say

this is a measure -

ACTING PRESIDENT FARLEY: What's your point of information?

SENATOR HOFFMANN: -- that should only be focused on noncustodial parents at all. I didn't say anything of that sort.

ACTING PRESIDENT FARLEY: What's your point of information?

SENATOR GOLD: She just made it.

SENATOR HOFFMANN: I just made it. I did not say -

ACTING PRESIDENT FARLEY: Senator Nozzolio, you have the floor.

SENATOR NOZZOLIO: Senator, that's why you ask questions. I was asking you a question.

SENATOR GALIBER: Point of order, Mr. President.

SENATOR NOZZOLIO: The question, Senator -

ACTING PRESIDENT FARLEY: Hold on. Point of order.

SENATOR GALIBER: It's a simple

one. My colleague to my right asked a question. The problem area, he does not allow my colleague to the left to complete the answer to his question.

ACTING PRESIDENT FARLEY: I thought -

SENATOR GALIBER: If he allowed her to do that, it would clear up some of that and maybe cut down on some of the questions he asked. Let her finish the answer.

ACTING PRESIDENT FARLEY: I'm doing my best -

SENATOR GALIBER: I know you are.

ACTING PRESIDENT FARLEY: -- to find out who has the floor here.

Senator Nozzolio.

SENATOR GALIBER: The point of order is, Mr. President. It's a simple one. If we ask a question, extend the courtesy -- I'm sure you want to do that -- to let the person or my colleague to the left finish and answer the question -

ACTING PRESIDENT FARLEY: I

understand -

SENATOR GALIBER: -- before you recognize him for another point.

ACTING PRESIDENT FARLEY: Senator Galiber, I understand. It seems as though from my perspective that they are both talking at the same time. I don't know who's -- I'm trying to keep track of who has the floor.

Senator Nozzolio, you have the floor. Do you have another question for Senator Hoffmann?

SENATOR NOZZOLIO: Senator -- I have no further questions, Mr. President, but I would like to speak on the bill.

ACTING PRESIDENT FARLEY: On the bill by Senator Nozzolio.

SENATOR GOLD: Point of order.

ACTING PRESIDENT FARLEY: Senator Gold, what's your point of order?

SENATOR GOLD: Senator Hoffmann was speaking. The gentleman asked her to yield and you recognized that person.

ACTING PRESIDENT FARLEY: No,

that's not true.

SENATOR GOLD: Excuse me, sir. Excuse me, sir. Let me get it out, and then you can rule against me.

But I believe, sir, that there was some speaker's list that you were going through. I didn't mind Senator -

ACTING PRESIDENT FARLEY: The only speaker I have listed coming up is Senator Gold.

SENATOR GOLD: Yes. Senator, he's very good looking, but he ain't Senator Gold. I mean how he got in front of Senator Gold, but I will yield to the gentleman.

ACTING PRESIDENT FARLEY: Thank you. Senator Nozzolio.

SENATOR NOZZOLIO: Point of high personal privilege, Mr. President. I do not look like Senator Gold at all, and I certainly would yield to the distinguished Minority Leader.

ACTING PRESIDENT FARLEY: Senator Gold, you have the floor.

SENATOR GOLD: Does anybody else want to speak?

Good. All right. Good.

Mr. President. Senator Hoffmann, one thing you said I did not agree with. You said that this is not a bill; it's a press release and it's a sham.

Press releases aren't shams, Senator. We have been trying to educate them for years on this subject. The press isn't here. The only thing that does get accomplished from this is there will be a roll call, there will be a significant number of people voting against it as was done in the past, and then it will go into a press release. That is the purpose of it. We have been doing nothing but one-house bills for days, so this is not new.

The only thing I would like to point out is that there is one thing that happens that is more offensive than some of the other things that happen, and I was particularly impressed with the comment as it was explained

by Senator Waldon and by Senator Espada. The Constitution does not have us elected at large. The purpose of this chamber is not to have 61 minds, period, elected in any way. The Constitution in its brilliance provides for 61 minds from different areas of the state, from different experiences, from different backgrounds.

What is the sense, if you are sincere, of dealing with this issue in your male, as it's been explained, et cetera, et cetera, vacuum without taking into your midst people who have grown up in these environments, people who have Puerto Rican-Hispanic backgrounds, Afro-American backgrounds, Jewish backgrounds who were brought up in New York City, everybody, if you are sincere about that issue? If it's more than a press release, if it's more than a sham, then you bring everybody in.

I have said this so many times you must be sick of hearing it. I'm not enamored of Congress but, at least, once they

are elected, they talk to one another. I've seen Republican Congressmen from other parts of the country brought to New York by Democratic Congressmen so that they can learn and they could see and understand the issue. It goes back and forth.

I would imagine -- I would imagine that most of the people around here would be very comfortable seeing this week end, if you haven't seen it already, "Jurassic Park". It talks about dinosaurs. Maybe that's an age we're more comfortable with. Why don't we talk to one another?

Does anybody on the Republican side of this house really believe that the families that are involved with these programs do not want their children educated? Isn't that the dumbest concept you ever heard of in your life? Do you believe that the families involved bring children into the world and hold that baby in the first few precious minutes of life hoping they'll grow up to be bums, uneducated, criminals, grabbers from society? I mean let's

deal with the real world.

There is nothing more precious to these parents than their children, and they would love them to get an education. They would love to see a system that educated them once they got into the schools. Don't believe me. Go talk to them. Go meet them.

Al Waldon is a man you can trust, and he is honorable. If he tells you to come down and he'll give you a tour, and he'll do it.

Pedro Espada would love to spend the day with some of you.

But to do it this way, one-house bill, one-house bill -- people say the Assembly was going to work tomorrow. Maybe they won't. We're in for next week. Maybe we'll work the week end. Maybe we'll come back after the end of next week. What's going on?

We can set dates and live with them if we didn't clutter our time up with one-house bills that wind up in press releases and not helping anybody. It really is a shame. It's a shame that this wall that runs here is a

sound barrier. It doesn't have to work that way in a legislative body. It doesn't. And it shouldn't work here.

Last year, this passed with about twenty negatives. I hope we go up from that, I really do. There will be a slow roll call, and there will be substantial opposition, and then maybe some people of good will will sit down and really worry about the children that have been spoken about by Senator Hoffmann and Senator Montgomery and Senator Waldon and Espada and the others.

Do you want these kids to get a education? Who doesn't? But let's at least deal with the people that have the knowledge and get a program together.

ACTING PRESIDENT FARLEY: Read the last section.

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

SENATOR GOLD: Slow roll call.

ACTING PRESIDENT FARLEY: Slow roll call has been asked for. Ring the bell. I

see five standing.

THE SECRETARY: Senator Babbush, excused. Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: No.

THE SECRETARY: Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator Daly.

SENATOR DALY: Yes.

THE SECRETARY: Senator DeFrancisco voting in the affirmative earlier today. Senator Dollinger.

(There was no response.)

Senator Espada.

SENATOR ESPADA: No.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Galiber.

SENATOR GALIBER: No.

THE SECRETARY: Senator Gold.

SENATOR GOLD: No.

THE SECRETARY: Senator

Gonzalez.

(There was no response.)

Senator Goodman voting in the affirmative earlier today. Senator Halperin.

(There was no response.)

Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: No.

THE SECRETARY: Senator Holland.

SENATOR HOLLAND: Yes.

THE SECRETARY: Senator Johnson voting in the affirmative earlier today. Senator Jones.

SENATOR JONES: Yes.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack.

(There was no response.)

Senator Lack?

(There was no response.)

Senator Larkin voting in the

affirmative earlier today. Senator LaValle voting in the affirmative earlier today.

Senator Leichter.

(There was no response.)

Senator Levy.

(There was no response.)

Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese voting in the affirmative earlier today.

Senator Marchi.

(There was no response.)

Senator Marino.

(Indicating "Aye.")

THE SECRETARY: Aye. Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Masiello.

(There was no response.)

Senator Mega.

SENATOR MEGA: Yes.

THE SECRETARY: Senator Mendez.

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

(There was no response.)

Senator Present.

SENATOR PRESENT: Aye.

THE SECRETARY: Senator Saland.

(There was no response.)

Senator Santiago.

SENATOR SANTIAGO: No.

THE SECRETARY: Senator Sears.

SENATOR SEARS: Aye.

THE SECRETARY: Senator Seward.

(There was no response.)

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.

(There was no response.)

Senator Stachowski.

SENATOR STACHOWSKI: Yes.

THE SECRETARY: Senator Stafford.

(There was no response.)

Senator Stavisky.

(There was no response.)

Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.

SENATOR TULLY: Aye.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon.

SENATOR WALDON: Mr. President. To explain my vote.

(Whereupon, Senator Kuhl was in the chair.)

ACTING PRESIDENT KUHL: Senator Waldon to explain his vote.

SENATOR WALDON: Thank you very much, Mr. President. My colleagues.

If we're serious about helping

the young people which Senator Holland wants to address with this measure, then I think we ought to focus upon things like a Constitutional Amendment which will make the playing field of education equal so that you won't have a child in the 29th School Board District receiving somewhere between $6,000 and $7,000 per student in state aid and not much else and students in other areas of the state receiving enormous sums of money, 70-plus after school programs, each child having a computer, when in areas I represent they have to fight to find a computer.

If we're serious about helping these young people, we will speak to the issue of nontuition for SUNY again, nontuition requirements from the students for CUNY again. We'll talk about in the future less prison cells and more classrooms. We will elevate teachers and education to the high plateau that they occupy in other places. When I travel, in France, for example, the professor is the most respected person in any town, any enclave that

you happen to visit. We ought to be about learning for our children from pre-K to the 12th grade.

In closing, Mr. President. Yesterday, "Harvey" visited the chamber; today, I hope that we will defeat this measure and, thereby, "Hope" will visit this chamber; and in the future, we will make education for all of the children as best as it can be the credo of this chamber.

I vote in the negative, Mr. President.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT KUHL: Absentees. Secretary will call.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Yes.

THE SECRETARY: Senator Gonzalez.

(There was no response.)

Senator Halperin.

(There was no response.)

Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Leichter.

SENATOR LEICHTER: Nay.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Masiello.

(There was no response.)

Senator Nolan.

(There was no response.)

Senator Paterson.

(There was no response.)

Senator Saland.

SENATOR SALAND: Aye.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Aye.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator

Stafford.

(There was no response.)

Senator Stavisky.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 37, nays 16.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1062, by Senator Daly, Senate Bill Number 1392, an act to amend the Insurance Law in relation to multiple employer welfare arrangements.

SENATOR GOLD: Excuse me. On the last bill, the vote was 37-16? Can you tell me how Senator Nolan is recorded?

ACTING PRESIDENT KUHL: The Secretary indicates that when the roll call was asked and Senator Nolan's name was read that there was no response.

SENATOR GOLD: I think there is an error. Senator Nolan was in the chamber. Perhaps it wasn't heard.

How did you vote, Senator?

SENATOR NOLAN: In the negative.

ACTING PRESIDENT KUHL: Senator Nolan will be recorded in the negative.

SENATOR PRESENT: No. No.

ACTING PRESIDENT KUHL: No?

SENATOR PRESENT: No, I object to that.

SENATOR GOLD: May I ask why? I mean -- excuse me. Have him read off all the ayes and nays.

SENATOR PRESENT: If you'd like that -

SENATOR GOLD: I don't want to cause a confrontation. We've been getting along very well.

SENATOR PRESENT: Senator Nolan's name was read twice. I was here and heard it. Absentees were called. Senator Nolan's name was called; there was no response. The roll call was finished. Done.

SENATOR GOLD: I move to reconsider the vote by which the bill passed.

(Whereupon, there was a pause in the proceedings.)

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yes. Mr. President. Perhaps we can have a situation where the roll would reflect that Senator Nolan was called out of the chamber. He is here now. And as has been indicated a moment ago, had he been here during the roll call or had his vote been recorded properly, he would have voted in the negative. Please have that recorded on the roll call.

ACTING PRESIDENT KUHL: The chair recognizes Senator Nolan. Is that your request, sir?

SENATOR NOLAN: Yes, it is.

ACTING PRESIDENT KUHL: The record will so reflect.

Calendar Number 1062, the Secretary will read.

THE SECRETARY: Calendar Number

1062, by Senator Daly, Senate Bill Number 1392, an act to amend the Insurance Law, in relation to multiple employer welfare arrangements.

SENATOR GOLD: All right.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yes. Senator Solomon has an interest and we're bringing him right inside the chamber. Is Senator Daly here?

SENATOR DALY: Mr. President. If the Minority Leader wishes, we can lay it aside while we go to another bill and come back to it.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: The chair recognizes Senator Solomon.

SENATOR SOLOMON: Thank you, Mr. President. Senator Daly yield?

ACTING PRESIDENT KUHL: Senator Daly, do you yield to Senator Solomon?

SENATOR DALY: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator

yields.

SENATOR SOLOMON: Senator, as you know, Blue Cross/Blue Shield has put out a memo in opposition, and I checked the statute, and I questioned some of the statements they made in the memo. Would this legislation bring MEWAs, Multiple Employee Welfare Associations, under state Insurance Department regulation?

SENATOR DALY: Yes, it would.

SENATOR SOLOMON: I see. Senator, this statute would not allow MEWAs to just be licensed and then go on their merry way and continue the abuses they have done in the past?

SENATOR DALY: No, Senator, and the point you make is well made because the memo is wrong. The memo would have you believe that there is no control by the state Insurance Department over the MEWA.

I have with me a copy of the existing law which we amend. And there, obviously, it indicates that the Insurance Department has not only the right but the

responsibility to oversee MEWAs.

I will read, for example, Section 4404, "The Superintendent may examine into the affairs of any employee welfare fund as often as he deems it necessary and he shall do it at least once every five years." So there is control by the Insurance Department over these arrangements.

SENATOR SOLOMON: Thank you. Thank you, Mr. President.

On the bill.

ACTING PRESIDENT KUHL: Senator Solomon on the bill.

SENATOR SOLOMON: This bill is not the perfect piece of legislation to control MEWAs, which have been known for some of the greatest insurance frauds in the health area that have occurred in the last few years in this country. In many instances, you'll get complaints from your constituents where they have found out that, in fact, they don't have the insurance coverage that was promised by their union or other groups of associations, and

that fraud can be attributed to MEWAs.

In fact, New York State, unfortunately, was the home of one of the greatest frauds in this country, I believe, that emanated out of a MEWA in Nassau County.

This bill is a step in the right direction toward regulating MEWAs. I understand the Insurance Department has a bill which is a little tougher and tighter on MEWAs than this; however, this is a step in the right direction. And, in my opinion, this bill will not in fact allow them to operate as a gun slinger of the Old West where they can virtually rob the money from the people that are members of these associations which has happened in many of the instances.

So, as I said -- as I really want to state is, I want to vote for this bill though I do believe that the Insurance Department will, which is a little more stricter and lists some additional powers, is a better piece of legislation. But that hasn't come before us as of yet, and this is in the right direction.

Thank you.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1065, by Senator Bruno, Senate Bill Number 1744, an act to amend the Executive Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Bruno, an explanation has been asked for.

SENATOR BRUNO: Mr. President. This bill very simply strengthens what the Office of Business Permits does to expedite requests for services, permits from state agencies on behalf of their consumer, their customers, the business people of New York

State.

SENATOR GOLD: Last section.

ACTING PRESIDENT KUHL: Explanation satisfactory.

Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1069, by Senator Cook.

SENATOR PADAVAN: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1088, by Senator Stafford, Senate Bill Number 4853.

SENATOR PADAVAN: Lay it aside.

ACTING PRESIDENT KUHL: Lay the

bill aside.

THE SECRETARY: Calendar Number 1096, by Senator Padavan, Senate Bill Number 5446, an act to amend the Penal Law and the Administrative Code of the city of New York.

SENATOR GOLD: Senator Smith.

ACTING PRESIDENT KUHL: The chair recognizes Senator Smith.

SENATOR PADAVAN: I'll be glad to give it to you, Senator. I just wanted to know where I should give my explanation. The bill simply allows correction officers, retired correction officers, to obtain their license permits without paying a fee as is the case with other police officers.

ACTING PRESIDENT KUHL: Senator Smith.

SENATOR SMITH: Mr. President. Would the astute gentleman from Queens yield to a question?

SENATOR PADAVAN: Sure.

ACTING PRESIDENT KUHL: Senator Padavan yields.

SENATOR SMITH: Am I correct that this is the first time this is being done?

SENATOR PADAVAN: To my knowledge, yes, for correction officers. For correction officers. But for other retired police officers, it is already the law.

SENATOR SMITH: Thank you.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1101, by Senator Babbush, Senate Bill Number 5801, authorize the city of New York to dispose of certain public lands.

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

Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1107, by Senator Levy.

SENATOR GOLD: Explanation.

SENATOR PADAVAN: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1110, by Senator Seward, Senate Bill Number 2684, an act to amend the Real Property Tax Law.

SENATOR GOLD: Last section.

THE SECRETARY: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Leichter.

SENATOR LEICHTER: May I have unanimous consent to be recorded in the negative on Calendar 1065, please?

ACTING PRESIDENT KUHL: Without objection.

SENATOR LEICHTER: Thank you.

SENATOR MENDEZ: Mr. President.

ACTING PRESIDENT KUHL: Senator Mendez.

SENATOR MENDEZ: May I have unanimous consent to be recorded in the negative on Calendar Number 1107.

ACTING PRESIDENT KUHL: Senator Mendez will be recorded, without objection, in the negative on Calendar Number 1107.

Senator Libous.

SENATOR LIBOUS: Mr. President, are we doing some housekeeping now? I have several before the house.

ACTING PRESIDENT KUHL: Senator Libous, we're not done with the calendar. May we continue that and do housekeeping at the end.

SENATOR LIBOUS: You are the president, sir.

SENATOR PADAVAN: Let's continue with the calendar. Regular order.

ACTING PRESIDENT KUHL: Senator Mendez, as a point of information, I've been informed by the clerk that Calendar Number 1107 did not pass the house.

SENATOR MENDEZ: It was laid a side. Thank you.

THE SECRETARY: Calendar Number 1115, by Senator Maltese, Senate Bill Number -

SENATOR PADAVAN: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1126, by Senator Johnson.

SENATOR PADAVAN: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1128, by Senator Volker, Senate Bill Number 4829, Criminal Procedure Law, in relation to issuance of search warrants.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1131, by Senator Nozzolio, Senate Bill Number 5007, authorize Tier I status for Allen Ingalls

in the New York State and local Employees Retirement System.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Explanation has been asked for. Senator Nozzolio.

SENATOR NOZZOLIO: Who asked for that explanation, Mr. President?

SENATOR GOLD: Your double.

SENATOR NOZZOLIO: To the distinguished Minority Leader, I say ex-tinguished. That this bill grants Tier I status for Mr. Allen Ingalls, an employee of the village of Bloomfield in western Ontario County, by changing his date of membership in the New York State and Local Employees' Retirement System to May 10, 1973.

SENATOR GOLD: Mr. President. Would Senator Nozzolio yield for one question, please?

SENATOR NOZZOLIO: Certainly.

SENATOR GOLD: Why?

SENATOR LACK: Why not?

SENATOR GOLD: I mean is there something special about his case that we are going to give a pension benefit to one individual as opposed to everybody else who would love to be in this situation.

SENATOR NOZZOLIO: I would be glad to explain, sir.

SENATOR GOLD: I'd be grateful.

SENATOR NOZZOLIO: That Mr. Ingalls has been an employee of a village of relatively small size but tremendous stature. The village has made some errors in its own computation and had admitted those errors and is willing to support through its own local contribution to Mr. Ingalls retirement system.

SENATOR GOLD: What was the error?

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: I'm sorry. Yes. Last question, Senator, and then we don't have to pursue this. What was the error? I mean what happened? The man didn't apply or didn't

get on, and now he has second thoughts? I don't blame him. It's money in his pocket. But what was the error? What happened that the Legislature should get involved with this as opposed to anybody else who may not be in the system?

SENATOR NOZZOLIO: Yes, Mr. President, I believe the error could be termed as clerical. There are many part-time employees of the village and from time to time these matters happen.

ACTING PRESIDENT KUHL: There is a home rule message at the desk, by the way.

Senator Gold, do you wish to continue?

SENATOR GOLD: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: I would just like to remind the body that we're waiting breathlessly for Senator Trunzo's success, which is taking years now, and I give him my support.

On the other hand, Senator Nozzolio, in explaining the bill -- I know I probably will be one of the few to vote against it -- you used extraordinary intelligence, Senator Nozzolio, because Senator Skelos is a great counsel.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Just briefly. I think to expedite these, maybe Senator Trunzo would do something that was done years ago. When I was a young trial attorney, used to go to uncontested divorces. The clerk would hand you a card which will tell the witness how to answer. Now, if you would make that available to members of the Senate when they have one of these bills, then they wouldn't -- you know, like Senator Nozzolio had to grab for answers and so on. He can just read from the card, because he forget the key word, "without his error". So we don't want that to happen again, so, Senator, maybe you'll prepare those for us.

ACTING PRESIDENT KUHL: There is

a home rule message at the desk.

Excuse me. Senator Trunzo.

SENATOR TRUNZO: Do you want me to give you a cue card when your bill comes out?

SENATOR LEICHTER: In big letters.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 3, Senators Galiber, Gold and Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1140, by Senator Johnson, Senate Bill Number 5540, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

Some housekeeping.

Return to motions and resolutions, Senator Present?

SENATOR PRESENT: Housekeeping, please.

ACTING PRESIDENT KUHL: Senator Libous.

SENATOR LIBOUS: Mr. President. On behalf of Senator Levy, I'd like to remove a star on Calendar Number 961.

ACTING PRESIDENT KUHL: Star is removed Calendar Number 961.

SENATOR LIBOUS: On behalf of my

colleague, Senator Levy, Mr. President, on page 21, I offer the following amendments to Calendar Number 892, Senate Print Number 1309, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT KUHL: Without objection, amendments received.

SENATOR LIBOUS: On behalf of Senator Kuhl, I wish to call up his bill, 3414A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Kuhl, Senate Bill Number 3414A, an act to amend the Agriculture and Markets Law.

SENATOR LIBOUS: Mr. President, I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR LIBOUS: Mr. President, I offer up the following amendments.

ACTING PRESIDENT KUHL: Amendments are received.

Senator Wright.

SENATOR WRIGHT: Mr. President, I wish to call up my bill, Number 3810, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Wright, Senate Bill Number 3810, an act to amend the State Administrative Procedure Act.

SENATOR WRIGHT: Mr. President. I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR WRIGHT: Mr. President. I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received.

Senator Marchi.

SENATOR MARCHI: Mr. President, on page 21, Calendar Number 900, my bill 3919A, I offer the following amendments and request that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Secretary will read a substitution.

THE SECRETARY: On page 15 of today's calendar, Senator Sears moves to discharge the Committee on Rules from Assembly Bill Number 6102A and substitute it for the identical Third Reading 732.

ACTING PRESIDENT KUHL: Substitution ordered.

Senator Present.

SENATOR PRESENT: Mr. President, there will be an immediate meeting of the Rules Committee in Room 332. We will now stand at ease awaiting the report of the Rules Committee. Those bills will be taken up on Monday. After that report, we will adjourn until Monday at 2:30 p.m.

And I now ask the Senate stand at ease.

ACTING PRESIDENT KUHL: Immediate meeting of the Rules Committee in Room 332. The Senate will stand at ease.

(Whereupon, at 2:55 p.m., Senate was at ease.)

(Whereupon, at 3:28 p.m., Senate reconvened with Senator Volker in the chair.)

ACTING PRESIDENT VOLKER: Senator Present.

SENATOR PRESENT: Mr. President, will you return to reports of standing committees, if there are any at the desk, and have them read.

ACTING PRESIDENT VOLKER: Clerk

will read.

THE SECRETARY: Senator Marino, from the Committee on Rules, reports the following bills directly for third reading:

Senate Bill Number 214A, by Senator Farley, an act to amend the Vehicle and Traffic Law.

490, by Senator Paterson, authorize the city of New York to reconvey its interest in certain real property.

1001, by Senator Levy, Education Law.

1310, by Senator Levy, Vehicle and Traffic Law.

1364A, by Senator Marchi, Environmental Conservation Law.

2205, by Senator Skelos, an act to amend the Penal Law.

2209, by Senator Spano, Retirement and Social Security Law.

2717, by Senator Spano, an act to amend the Local Finance Law.

2721, by Senator Pataki, town of

Southeast, Putnam County, establish a road or highway improvement.

2984A, by Senator Trunzo and others, Education Law.

3028A, by Senator Cook, General Municipal Law.

3126, by Senator Velella, Executive Law.

3188, by Senator Velella, Executive Law.

3374A, by Senator Sheffer, an act to amend the Tax Law.

3434, by Senator Markowitz, city of New York to reconvey its interest in certain real property.

3566, by Senator Pataki, an act to amend the Penal Law.

3951, by Senator DeFrancisco, Domestic Relations Law.

4225A, by Senator Spano, New York State Financial Emergency Act of 1984.

4230B, by Senator Wright, amends Chapter 266 of the Laws of 1854.

4327, by Senator Cook, legalize, ratify and validate and confirming certain actions.

4433, by Senator Skelos, Tax Law.

4449, by Senator Libous, an act to amend the Penal Law.

4772, by Senator Wright, an act to amend the Tax Law and the Administrative Code of the city of New York.

4830, by Senator Volker, an act to amend the Penal Law.

4844, by Senator Levy, an act to amend the Tax Law.

4917, by Senator Maltese, Civil Service Law.

4955, by Senator Padavan, an act to amend the Penal Law.

4991, by Senator Hannon, an act to amend the Tax Law.

5017, by Senator Hannon, to allow Douglas Robins retroactive membership in the retirement system.

5332, by Senator Hannon, amends

Chapter 750 of the Laws of 1871.

5372, by Senator Cook, Local Finance Law.

5364, by Senator Masiello, amends Chapter 824 of the Laws of 1933.

5376, by Senator Santiago, authorize the city of New York to reconvey its interest in certain real property.

5589, by Senator Skelos, Executive Law.

5602, by Senator Tully, Public Health Law.

5604, by Senator Tully, Commissioner of Health to study the needs and benefits, et cetera.

5859, by Senator Saland, Local Finance Law.

5870, by Senator Bruno, town of Clifton Park to employ town constables.

5883, by Senator Seward, town justice providing for the election of a third town justice.

And 5768, by Senator Wright,

Energy Law.

All bills reported directly for third reading.

ACTING PRESIDENT VOLKER: Without objection, third reading.

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Sears, I wish to call up Calendar Number 732, Assembly Print 6102A.

ACTING PRESIDENT VOLKER: Secretary will read.

THE SECRETARY: An act to amend the General Business Law, in relation to providing notice to consumers of their rights under new car or used car lemon laws.

SENATOR PRESENT: Mr. President, I now move to reconsider the vote by which this Assembly bill was substituted.

ACTING PRESIDENT VOLKER: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.

THE SECRETARY: Ayes 59.

ACTING PRESIDENT VOLKER: The bill is before the house.

SENATOR PRESENT: Mr. President, I now move that Assembly Bill 6102A be recommitted to the Committee on Rules and Senator Sears' Senate bill be restored to the order of third reading.

ACTING PRESIDENT VOLKER: Without objection, the bill is restored to third reading.

SENATOR PRESENT: Mr. President, on behalf of Senator Hannon, I offer the following amendments on page 19 to Calendar 869, Senate Print 4898, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT VOLKER: It is received and amended.

SENATOR PRESENT: And, Mr. President, on behalf of Senator Hannon, on page 19, I offer the following amendments to Calendar 870, Senate Print 4900, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT VOLKER: Without

objection.

SENATOR PRESENT: Mr. President, before I announce the closing, I would like to announce that when we return next week that we return hopefully to conclude this session of the Senate. Hopefully by the end of the week or soon thereafter we'll complete that task.

Mr. President, there being no further business, I move that we adjourn until Monday, June 21st, at 2:30 p.m., intervening days being legislative days.

ACTING PRESIDENT VOLKER: The Senate is adjourned until Monday, June 21, at the regular hour, and intervening legislative days there before that, and hopefully we will finish the session thereafter.

(Whereupon at 3:34 p.m., Senate adjourned.)