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ALBANY, NEW YORK

June 16, 1993

12:15 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

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

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

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

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

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

14 Father Latona.

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

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

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

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

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

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

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

22 Amen.

23 ACTING PRESIDENT FARLEY: The

1 Secretary will begin by reading the Journal.

2 THE SECRETARY: In Senate,
3 Tuesday, June 15. The Senate met pursuant to
4 adjournment. The Journal of Monday, June 14, was
5 read and approved. On motion, Senate adjourned.

6 ACTING PRESIDENT FARLEY: Hearing
7 no objection, the Journal will stand approved as
8 read.

9 The order of business:
10 Presentation of petitions.
11 Messages from the Assembly.
12 Messages from the Governor.
13 Reports of standing committees.
14 Reports of select committees.
15 Communications and reports of
16 state officers.
17 Motions and resolutions.
18 Senator Holland, I think you have
19 a motion.

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

1 place on the Third Reading Calendar.

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

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

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

11 SENATOR KUHL: Thank you.

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

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

20 ACTING PRESIDENT FARLEY:
21 Substitution is ordered.

22 Senator Present.

23 SENATOR PRESENT: Mr. President.

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

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

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

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

13 Read the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 32.

20 ACTING PRESIDENT FARLEY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 616, by Senator Bruno.

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

3 ACTING PRESIDENT FARLEY: Lay
4 that bill aside.

5 THE SECRETARY: Calendar Number
6 617, by Senator Bruno, Senate Bill Number 4617A.

7 SENATOR GOLD: Lay it aside.

8 ACTING PRESIDENT FARLEY: Lay
9 that bill aside.

10 THE SECRETARY: Calendar Number
11 710, by Senator Volker, Senate Bill Number 5396,
12 an act to amend the Retirement and Social
13 Security Law.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 32.

22 ACTING PRESIDENT FARLEY: The
23 bill is passed.

1 THE SECRETARY: Calendar Number
2 862, by Senator Volker, Senate Bill Number
3 4244A, an act to amend the Civil Practice Law
4 and Rules.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 31, nays 1,
13 Senator Kuhl recorded in the negative.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 982, by Senator LaValle, Senate Bill Number
18 5782, an act to amend the Criminal Procedure
19 Law.

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

22 Read the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 32, nays 1,
6 Senator Gold recorded in the negative.

7 ACTING PRESIDENT FARLEY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1000.

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

13 ACTING PRESIDENT FARLEY: Lay it
14 aside for the day.

15 THE SECRETARY: Calendar Number
16 1013, by Senator Holland, Senate Bill Number
17 736.

18 SENATOR GOLD: Lay it aside.

19 ACTING PRESIDENT FARLEY: Lay it
20 aside.

21 THE SECRETARY: Calendar Number
22 1031, by Senator DeFrancisco, Senate Bill Number
23 4744, allowing Theodore Alibrandi, an employee

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

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

6 Read the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 32, nays 1,
13 Senator Gold recorded in the negative.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1059, by Senator Cook.

18 SENATOR GOLD: Lay it aside for
19 Senator -

20 ACTING PRESIDENT FARLEY: Lay it
21 aside.

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

1 SENATOR GOLD: I'm sorry.

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

4 Read the last section.

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

7 ACTING PRESIDENT FARLEY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 33.

11 ACTING PRESIDENT FARLEY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1062, by Senator Daly.

15 SENATOR GOLD: Lay it aside.

16 ACTING PRESIDENT FARLEY: Lay it
17 aside.

18 THE SECRETARY: Calendar Number
19 1064, by Senator Sheffer.

20 SENATOR PRESENT: Lay it aside
21 for the day.

22 ACTING PRESIDENT FARLEY: Lay it
23 aside for today.

1 THE SECRETARY: Calendar Number
2 1065, by Senator Bruno, Senate Bill Number 17 -

3 SENATOR GOLD: Lay it aside,
4 please.

5 ACTING PRESIDENT FARLEY: Lay
6 that bill aside.

7 THE SECRETARY: Calendar Number
8 1069.

9 SENATOR GOLD: Lay it aside,
10 please.

11 ACTING PRESIDENT FARLEY: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 1088.

15 SENATOR GOLD: Lay it aside,
16 please.

17 ACTING PRESIDENT FARLEY: Lay
18 that bill aside.

19 THE SECRETARY: Calendar Number
20 1094, by Senator Daly, Senate Bill Number 5200,
21 an act to amend the Environmental Conservation
22 Law.

23 ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 33.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1096, by Senator Padavan, Senate Bill Number
12 5446.

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

15 ACTING PRESIDENT FARLEY: Lay it
16 aside.

17 THE SECRETARY: Calendar Number
18 1100, by Senator Levy, Senate Bill Number 5786,
19 amends Chapter 380 of the Laws of 1992, amending
20 the General Municipal Law.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 34.

6 ACTING PRESIDENT FARLEY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1101.

10 SENATOR GOLD: Lay it aside.

11 ACTING PRESIDENT FARLEY: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 1107, by Senator Levy, Senate Bill Number 1313.

15 SENATOR GOLD: Lay it aside,
16 please.

17 ACTING PRESIDENT FARLEY: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 1109, by Senator Velella, Senate Bill Number
21 2057, an act to amend the Executive Law and the
22 Social Services Law.

23 ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 35.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1110, by Senator Seward, Senate Bill Number
12 2684, an act to amend the Real Property Tax Law.

13 SENATOR LEICHTER: Lay it aside.

14 ACTING PRESIDENT FARLEY: Lay it
15 aside.

16 THE SECRETARY: Calendar Number
17 1111, by Senator Hannon, Senate Bill Number
18 2820, an act to amend the Retirement and Social
19 Security Law, in relation to the earnings of
20 disability pensioners.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 35.

6 ACTING PRESIDENT FARLEY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1113, by Senator Pataki, Senate Bill Number
10 2954B, authorize the town of Amenia, Dutchess
11 County, to sell certain lands.

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

14 Read the last section.

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

17 ACTING PRESIDENT FARLEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 35.

21 ACTING PRESIDENT FARLEY: The bill
22 is passed.

23 THE SECRETARY: 1114, by

1 Senator -

2 SENATOR GOLD: Hold on. Hold on.

3 Just hold on one second.

4 Keep going.

5 ACTING PRESIDENT FARLEY: 1114.

6 THE SECRETARY: Calendar Number
7 1114, by Senator Cook, Senate Bill Number 3024,
8 an act to amend the Local Finance Law.

9 ACTING PRESIDENT FARLEY: Read the
10 last section.

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

13 ACTING PRESIDENT FARLEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Aye 37.

17 ACTING PRESIDENT FARLEY: The bill
18 is passed.

19 SENATOR PATAKI: Mr. President.

20 ACTING PRESIDENT FARLEY: Senator
21 Pataki.

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

1 recorded in the negative on Calendar Number
2 1100, by Senator Levy.

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

6 Senator Kuhl.

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

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

13 SENATOR KUHL: Thank you.

14 THE SECRETARY: Calendar Number
15 1115, by Senator Maltese, Senate Bill Number
16 3265, an act to amend the Social Services Law.

17 SENATOR LEICHTER: Lay it aside.

18 SENATOR GALIBER: Lay it aside.

19 ACTING PRESIDENT FARLEY: Lay
20 that bill aside.

21 THE SECRETARY: Calendar Number
22 1116, by Senator Volker, Senate Bill Number
23 3575A, Retirement and Social Security Law, in

1 relation to community college support personnel.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 40.

10 ACTING PRESIDENT FARLEY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1117, by Senator Volker, Senate Bill Number
14 3576A, an act to amend the Retirement and Social
15 Security Law.

16 ACTING PRESIDENT FARLEY: Read
17 the last section.

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

20 ACTING PRESIDENT FARLEY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 40.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 1121, by Senator Mega, Senate Bill Number 4295,
5 an act to amend the Penal Law.

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 41.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1122, by Senator Mega, Senate Bill Number 4305A,
18 an act to amend the Penal Law.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 41.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1123, by Senator Libous, Senate Bill Number
8 4384A, an act to amend the Mental Hygiene Law.

9 ACTING PRESIDENT FARLEY: Read
10 the last section.

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

13 ACTING PRESIDENT FARLEY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 41.

17 ACTING PRESIDENT FARLEY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 1124, by Senator Bruno, Senate Bill Number
21 4600A, proposing an amendment to the
22 Constitution.

23 ACTING PRESIDENT FARLEY: Call

1 the roll on the resolution.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 43.

4 ACTING PRESIDENT FARLEY: That
5 resolution is adopted.

6 THE SECRETARY: Calendar Number
7 1126, by Senator Johnson, Senate Bill Number
8 4630, to provide retirement credit to Anthony A.
9 Tafuri.

10 SENATOR GOLD: Lay it aside.

11 ACTING PRESIDENT FARLEY: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 1128, by Senator Volker, Senate Bill Number
15 4829, an act to amend the Criminal Procedure
16 Law, in relation to issuance of search warrants.

17 SENATOR GALIBER: Lay it aside.

18 ACTING PRESIDENT FARLEY: Lay
19 that bill aside.

20 THE SECRETARY: Calendar Number
21 1129, by Senator Libous, Senate Bill Number
22 4890A, amends Chapter 113 of the Laws of 1992.

23 ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 43.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1130, by Senator Libous, Senate Bill Number
12 4891, an act to amend the Penal Law, in relation
13 to increasing the penalties for repeat
14 convictions.

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 42, nays -
23 ayes 41, nays 2. Senators Galiber and

1 Leichter recorded in the negative.

2 ACTING PRESIDENT FARLEY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 1131, by Senator Nozzolio, Senate Bill Number -

6 SENATOR GOLD: Lay it aside.

7 ACTING PRESIDENT FARLEY: Lay it
8 aside.

9 THE SECRETARY: Calendar Number
10 1133, by Senator Saland, Senate Bill Number
11 5270, an act to amend the Executive Law, the
12 Criminal Procedure Law, and the Family Court
13 Act.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 43.

22 ACTING PRESIDENT FARLEY: The
23 bill is passed.

1 THE SECRETARY: Calendar Number
2 1134, by Senator Levy, Senate Bill Number 5359A,
3 authorize the payment of transportation aid to
4 the Roosevelt Union Free School District.

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

8 Read the last section.

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

11 ACTING PRESIDENT FARLEY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 43.

15 ACTING PRESIDENT FARLEY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1135, by Senator Levy, Senate Bill Number 5436,
19 an act to amend the Vehicle and Traffic Law.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

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

1 ACTING PRESIDENT FARLEY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 44.

5 ACTING PRESIDENT FARLEY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 1136, by Senator Levy, Senate Bill Number 5437,
9 authorizing the assessor of the town of Babylon,
10 Suffolk County, to exempt from real property
11 tax the Long Island Partnership Housing
12 Development Fund.

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

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

17 ACTING PRESIDENT FARLEY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 44.

21 ACTING PRESIDENT FARLEY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number

1 1138, by Senator Saland, Senate Bill Number
2 5500, an act to amend the Family Court Act.

3 ACTING PRESIDENT FARLEY: Read
4 the last section.

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

7 ACTING PRESIDENT FARLEY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 47.

11 ACTING PRESIDENT FARLEY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1139, by Senator Saland, Senate Bill Number
15 5501, an act to amend the Domestic Relations
16 Law.

17 ACTING PRESIDENT FARLEY: Read
18 the last section.

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

21 ACTING PRESIDENT FARLEY: Call
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 45, nays 1,
2 Senator DeFrancisco recorded in the negative.

3 ACTING PRESIDENT FARLEY: The
4 bill is passed.

5 The bill is passed.

6 THE SECRETARY: Calendar Number
7 1140, by Senator Johnson, Senate Bill Number
8 5540, an act to amend the Retirement and Social
9 Security Law.

10 ACTING PRESIDENT FARLEY: Lay
11 that bill aside.

12 THE SECRETARY: Calendar Number
13 1141, by Senator Saland.

14 SENATOR PRESENT: Lay it aside.

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

17 SENATOR PRESENT: For the day.

18 THE SECRETARY: Calendar Number
19 1142, by Senator Tully, Senate Bill Number
20 5601A, an act to amend the Public Health Law.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 46.

6 ACTING PRESIDENT FARLEY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1143, by Senator Tully, Senate Bill Number 5605,
10 an act to amend the Public Health Law.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 46.

19 ACTING PRESIDENT FARLEY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1147, by Senator Bruno, Senate Bill Number 5806,
23 an act to amend the Tax Law.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 46.

9 ACTING PRESIDENT FARLEY: The
10 bill is passed.

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

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 46.

23 ACTING PRESIDENT FARLEY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1150, by Senator Velella, Senate Bill Number -

4 SENATOR PRESENT: Lay it aside
5 for the day.

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

8 THE SECRETARY: Calendar Number
9 1151, by Senator Spano, Senate Bill Number 5836,
10 an act to amend the County Law, in relation to
11 the power of the county of Westchester.

12 ACTING PRESIDENT FARLEY: Read
13 the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 46.

20 ACTING PRESIDENT FARLEY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1152, by Senator Sears, Senate Bill Number 5842,

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

3 ACTING PRESIDENT FARLEY: Read
4 the last section.

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

7 ACTING PRESIDENT FARLEY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 46.

11 ACTING PRESIDENT FARLEY: The
12 bill is passed.

13 Senator Present, that's the first
14 time through.

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

17 ACTING PRESIDENT FARLEY: Senator
18 Sears.

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

23 ACTING PRESIDENT FARLEY:

1 Secretary will read the title.

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

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

8 (Response of "Aye.")

9 Those opposed, nay.

10 (There was no response.)

11 The resolution is adopted.

12 Senator Present.

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

15 ACTING PRESIDENT FARLEY: Senator
16 Nozzolio.

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

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

23 THE SECRETARY: Legislative

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

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

9 (Response of "Aye.")
10 Those opposed, nay.
11 (There was no response.)
12 The resolution is adopted.
13 Senator Present.

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

16 ACTING PRESIDENT FARLEY: Senator
17 Kuhl.

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

23 ACTING PRESIDENT FARLEY:

1 Secretary will read Senator Daly's resolution.

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

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

11 (Response of "Aye.")

12 Those opposed, nay.

13 (There was no response.)

14 The resolution is adopted.

15 SENATOR PRESENT: Mr. President.

16 ACTING PRESIDENT FARLEY: Senator
17 Present.

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

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

23 THE SECRETARY: On page 11,

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

3 SENATOR LEICHTER: Explanation.

4 ACTING PRESIDENT FARLEY:

5 Explanation has been asked for, Senator Bruno.

6 SENATOR BRUNO: What is the
7 calendar number?

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

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

13 ACTING PRESIDENT FARLEY: I think
14 it was Senator Leichter.

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

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

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

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

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

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

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

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

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

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

21 SENATOR LEICHTER: Senator Bruno.

22 ACTING PRESIDENT FARLEY: Senator
23 Leichter, I presume.

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

4 SENATOR BRUNO: Yes, Senator.

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

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

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

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

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

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

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

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

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

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

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

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

13 ACTING PRESIDENT FARLEY: Senator
14 Montgomery.

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

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

19 SENATOR BRUNO: Yes, Senator,
20 with pleasure.

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

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

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

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

16 ACTING PRESIDENT FARLEY: On the
17 bill, Senator Montgomery.

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

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

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

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

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

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

4 Thank you.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 52.

13 ACTING PRESIDENT FARLEY: The
14 bill is passed.

15 Senator DeFrancisco.

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

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

22 SENATOR LEICHTER: Mr. President.

23 ACTING PRESIDENT FARLEY: Senator

1 Leichter.

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

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

7 The last bill is passed.

8 617. The Secretary will read.

9 THE SECRETARY: Calendar Number
10 617, by Senator Bruno, Senate Bill Number 4617A,
11 an act to amend the State Administrative
12 Procedure Act.

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

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

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

1 think well-directed.

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

8 SENATOR BRUNO: That is correct,
9 Senator.

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

17 SENATOR BRUNO: That is correct,
18 Senator.

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

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

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

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

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

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

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

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

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

23 So the objective is to create a

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

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

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

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

21 Mr. President. On the bill.

22 ACTING PRESIDENT FARLEY: On the
23 bill. Senator Leichter.

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

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

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

1 provide even more public input.

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

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

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

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

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

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

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

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

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

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

6 Now I will yield.

7 SENATOR BRUNO: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 ACTING PRESIDENT FARLEY: Senator
5 Bruno.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 SENATOR GOLD: Mr. President.

22 ACTING PRESIDENT FARLEY: Senator
23 Gold.

1 SENATOR GOLD: Yes, Mr.

2 President. Nice to see you, sir.

3 ACTING PRESIDENT FARLEY: Nice to
4 see you.

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

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

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

22 Oh, he's been here fifteen years.

23 Oh, you have here fifteen

1 years.

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

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

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

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

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

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

12 The legislative power under the
13 Constitution is in this body and in the
14 Assembly. The Constitution says we may in
15 certain defined situations create rulemaking
16 authority in the agency. Nowhere in the
17 Constitution does it say that we may then set up
18 a system where members of the public by filing
19 \$100 can get involved in what is actually a law
20 making process and override it.

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

1 bad precedent.

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

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

17 ACTING PRESIDENT FARLEY: Read
18 the last section.

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

21 ACTING PRESIDENT FARLEY: Call
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 51, nays 2,
2 Senators Gold and Leichter recorded in the
3 negative.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1013, by Senator Holland, Senate Bill Number
8 736, an act to amend the Social Services Law.

9 SENATOR GOLD: Explanation,
10 please.

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

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

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

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

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

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

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

4 ACTING PRESIDENT FARLEY: Senator
5 Gold.

6 Senator Present, why do you
7 rise?

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

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

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

17 SENATOR MALTESE: Aye.

18 SENATOR GOLD: I what?

19 ACTING PRESIDENT FARLEY: Close
20 the roll call.

21 Senator Gold, I think you have
22 the floor.

23 SENATOR GOLD: Yes, thank you.

1 Yes, I yield to Senator Hoffmann.

2 SENATOR HOFFMANN: Mr.

3 President. We have been around the barn on this
4 bill a couple of times. This is the bill that
5 is based on the premise that somehow school
6 children can be forced to attend a school more
7 frequently if food is taken off the family
8 table. There is no logic in that in my mind.
9 There is no logic in many of the minds of my
10 constituents with whom I have spoken on this
11 subject.

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

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

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

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

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

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

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

8 ACTING PRESIDENT FARLEY: Read
9 the last section.

10 Oh, Senator Espada.

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

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

1 for not going to school.

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

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

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

18 ACTING PRESIDENT FARLEY: Senator
19 Montgomery.

20 SENATOR MONTGOMERY: Thank you,
21 Mr. President.

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

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

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

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

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

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

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

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

16 SENATOR PRESENT: Senator, may I
17 interrupt a moment?

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

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

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

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

3 SENATOR LAVALLE: Aye.

4 ACTING PRESIDENT FARLEY: Close
5 the roll.

6 SENATOR PRESENT: Thank you.

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

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

12 SENATOR MONTGOMERY: Yes, I will
13 yield.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Thank you.

18 ACTING PRESIDENT FARLEY: Senator
19 Nozzolio.

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

23 I ask my colleagues, particularly

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

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

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

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

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

13 SENATOR WALDON: Mr. President.

14 ACTING PRESIDENT FARLEY:
15 Senator, why do you rise?

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

18 ACTING PRESIDENT FARLEY: Will
19 you yield, Senator Nozzolio?

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

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

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

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

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

21 ACTING PRESIDENT FARLEY: Senator
22 Nozzolio, will you yield?

23 SENATOR NOZZOLIO: Yes, Mr.

1 President.

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

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

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

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

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

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

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

11 SENATOR WALDON: Last question.

12 ACTING PRESIDENT FARLEY: Senator
13 Waldon.

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

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

19 SENATOR NOZZOLIO: Of course, Mr.
20 President.

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

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

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

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

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

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

1 SENATOR NOZZOLIO: Thank you, Mr.
2 President.

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

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

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

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

23 ACTING PRESIDENT FARLEY: Senator

1 Dollinger.

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

5 SENATOR HOLLAND: Yes, sir.

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

8 SENATOR HOLLAND: Yes, sir.

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

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

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

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

1 \$22 billion of our \$60 billion budget. It's a
2 serious problem, and we're not again trying to
3 punish people.

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

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

20 SENATOR HOLLAND: Yes.

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

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

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

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

11 (Whereupon, Senator Volker was in
12 the chair.)

13 ACTING PRESIDENT VOLKER: Senator
14 continues to yield.

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

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

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

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

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

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

12 SENATOR HOLLAND: 19. At the age
13 20, you wouldn't have to go any more.

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

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

1 get there.

2 SENATOR DOLLINGER: Right. I -

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

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

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

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

20 ACTING PRESIDENT VOLKER: Senator
21 Dollinger, on the bill.

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

1 colloquy with Senator Holland perhaps
2 exemplifies that.

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

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

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

23 I'm also concerned because this

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

14 So I have some very significant
15 reservations about this.

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

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

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

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

1 ACTING PRESIDENT VOLKER: Senator
2 Montgomery.

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

6 ACTING PRESIDENT VOLKER: Senator
7 Holland yield to Senator Montgomery?

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

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

1 of dependency?

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

14 SENATOR MONTGOMERY: Right.

15 SENATOR HOLLAND: Hopefully.

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

18 SENATOR HOLLAND: Yes.

19 SENATOR MONTGOMERY: I'm just
20 wondering -

21 ACTING PRESIDENT VOLKER: Senator
22 yields.

23 SENATOR MONTGOMERY: -- if in the

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

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

1 whether former clients were progressing through
2 the system and they had been successful or not.

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

11 SENATOR MONTGOMERY: Thank you,
12 Senator Holland.

13 Mr. President. Just briefly on
14 this legislation.

15 ACTING PRESIDENT VOLKER: Senator
16 Montgomery.

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

23 I believe, however, that it does

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

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

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

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

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

1 helping to break dependency.

2 And so I am opposed to this kind
3 of legislation.

4 Thank you, Mr. President.

5 ACTING PRESIDENT VOLKER: Senator
6 Espada.

7 SENATOR ESPADA: Will Senator
8 Holland -

9 ACTING PRESIDENT VOLKER: Excuse
10 me.

11 Senator Present.

12 SENATOR PRESENT: May I interrupt
13 you for a moment?

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

16 ACTING PRESIDENT VOLKER: Read
17 the last section.

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

20 ACTING PRESIDENT VOLKER: Call
21 the roll.

22 THE SECRETARY: Senator Larkin.

23 SENATOR LARKIN: Aye.

1 ACTING PRESIDENT VOLKER: Senator
2 Larkin -
3 SENATOR PRESENT: Senator
4 Johnson.
5 ACTING PRESIDENT VOLKER: Senator
6 Johnson.
7 SENATOR JOHNSON: Aye.
8 ACTING PRESIDENT VOLKER: Senator
9 Johnson in the affirmative.
10 SENATOR PRESENT: And Senator
11 Goodman.
12 SENATOR GOODMAN: Mr. President,
13 may I ask, please, to be recorded in the
14 affirmative on this bill.
15 ACTING PRESIDENT VOLKER: Senator
16 Goodman in the affirmative.
17 Senator DeFrancisco.
18 SENATOR DeFRANCISCO: Affirmative
19 please.
20 ACTING PRESIDENT VOLKER: Senator
21 DeFrancisco in the affirmative.
22 SENATOR PRESENT: Close the roll
23 call and continue.

1 ACTING PRESIDENT VOLKER: Suspend
2 the roll call.

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

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

10 The roll call on this bill is
11 laid aside.

12 Senator Espada.

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

15 SENATOR HOLLAND: Yes, sir.

16 ACTING PRESIDENT VOLKER: Senator
17 Holland yields.

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

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

1 front of me.

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

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

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

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

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

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

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

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

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

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

17 SENATOR ESPADA: Senator
18 Holland.

19 SENATOR HOLLAND: Yes, sir.

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

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

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

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

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

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

12 SENATOR ESPADA: If I may, Mr.
13 President.

14 (Whereupon, Senator Farley was in
15 the chair.)

16 ACTING PRESIDENT FARLEY: Senator
17 Espada.

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

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

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

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

20 On the bill, Mr. President.

21 ACTING PRESIDENT FARLEY: On the
22 bill, Senator Espada.

23 SENATOR ESPADA: Yesterday, I got

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

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

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

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

9 Thank you.

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

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

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

17 SENATOR HOFFMANN: I'll yield to
18 Senator Mendez.

19 ACTING PRESIDENT FARLEY: Senator
20 Mendez.

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

1 SENATOR HOLLAND: Yes.

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

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

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

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

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

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

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

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

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

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

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

3 Thank you, Mr. President.

4 ACTING PRESIDENT FARLEY: Thank
5 you.

6 Senator Hoffmann.

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

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

17 Would Senator Holland -

18 ACTING PRESIDENT FARLEY: Senator
19 Holland -

20 SENATOR HOFFMANN: -- yield?

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

23 SENATOR HOLLAND: I didn't speak

1 to Senator Waldon, but that's okay.

2 SENATOR HOFFMANN: Okay. I do
3 remember some questions.

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

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

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

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

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

7 SENATOR HOFFMANN: That's right.

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

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

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

23 SENATOR HOFFMANN: Thank you,

1 Senator Holland.

2 On the bill, Mr. President.

3 ACTING PRESIDENT FARLEY: On the
4 bill, Senator Hoffmann.

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

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

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

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

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

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

23 And we have a problem in this

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

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

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

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

8 SENATOR HOFFMANN: -- so I will
9 vote no.

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

12 SENATOR HOFFMANN: Yes, I will
13 yield.

14 ACTING PRESIDENT FARLEY: Yes,
15 she will.

16 SENATOR HOFFMANN: I'll yield.

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

1 SENATOR HOFFMANN: No. Senator
2 Nozzolio misstates my position. I am not
3 confused.
4 SENATOR NOZZOLIO: I just -
5 Senator -
6 SENATOR HOFFMANN: My
7 understanding of the bill -
8 SENATOR NOZZOLIO: The
9 question -
10 SENATOR GALIBER: Point of order.
11 ACTING PRESIDENT FARLEY: Hold
12 on. Hold on.
13 SENATOR HOFFMANN: I am
14 responding to Senator Nozzolio. Do I have the
15 floor, Mr. President -
16 ACTING PRESIDENT FARLEY: Well -
17 SENATOR HOFFMANN: -- to respond
18 to Senator Nozzolio?
19 ACTING PRESIDENT FARLEY: Are you
20 finished with your question? Senator Nozzolio,
21 are you -
22 SENATOR HOFFMANN: I am in the
23 process of responding.

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

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

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

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

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

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

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

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

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

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

1 to your question, Senator.

2 SENATOR NOZZOLIO: Senator -

3 ACTING PRESIDENT FARLEY: Senator
4 Nozzolio -

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

7 ACTING PRESIDENT FARLEY: -- has
8 the floor.

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

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

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

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

6 Are you saying that you are
7 supporting the sanction?

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

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

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

1 would be a penalty extracted upon them, too.

2 Those in this state are in the great minority.

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

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

16 ACTING PRESIDENT FARLEY:

17 Senator -

18 SENATOR HOFFMANN: -- involvement
19 buy fathers -

20 SENATOR NOZZOLIO: Mr.
21 President.

22 SENATOR HOFFMANN: -- in the
23 entire process -

1 ACTING PRESIDENT FARLEY: Senator
2 Nozzolio, why -

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

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

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

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

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

17 ACTING PRESIDENT FARLEY: What is
18 your point of information?

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

21 ACTING PRESIDENT FARLEY: Just a
22 moment!

23 SENATOR HOFFMANN: I did not say

1 this is a measure -

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

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

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

9 SENATOR GOLD: She just made it.

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

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

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

17 SENATOR GALIBER: Point of order,
18 Mr. President.

19 SENATOR NOZZOLIO: The question,
20 Senator -

21 ACTING PRESIDENT FARLEY: Hold
22 on. Point of order.

23 SENATOR GALIBER: It's a simple

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

5 ACTING PRESIDENT FARLEY: I
6 thought -

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

11 ACTING PRESIDENT FARLEY: I'm
12 doing my best -

13 SENATOR GALIBER: I know you are.

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

16 Senator Nozzolio.

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

23 ACTING PRESIDENT FARLEY: I

1 understand -

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

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

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

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

15 ACTING PRESIDENT FARLEY: On the
16 bill by Senator Nozzolio.

17 SENATOR GOLD: Point of order.

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

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

23 ACTING PRESIDENT FARLEY: No,

1 that's not true.

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

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

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

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

15 ACTING PRESIDENT FARLEY: Thank
16 you. Senator Nozzolio.

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

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

1 SENATOR GOLD: Does anybody else
2 want to speak?

3 Good. All right. Good.

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

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

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

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

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

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

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

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

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

1 deal with the real world.

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

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

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

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

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

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

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

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

17 ACTING PRESIDENT FARLEY: Read
18 the last section.

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

21 SENATOR GOLD: Slow roll call.

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

1 see five standing.

2 THE SECRETARY: Senator Babbush,
3 excused. Senator Bruno.

4 SENATOR BRUNO: Yes.

5 THE SECRETARY: Senator Connor.

6 SENATOR CONNOR: No.

7 THE SECRETARY: Senator Cook.

8 SENATOR COOK: Yes.

9 THE SECRETARY: Senator Daly.

10 SENATOR DALY: Yes.

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

14 (There was no response.)

15 Senator Espada.

16 SENATOR ESPADA: No.

17 THE SECRETARY: Senator Farley.

18 SENATOR FARLEY: Aye.

19 THE SECRETARY: Senator Galiber.

20 SENATOR GALIBER: No.

21 THE SECRETARY: Senator Gold.

22 SENATOR GOLD: No.

23 THE SECRETARY: Senator

1 Gonzalez.
2 (There was no response.)
3 Senator Goodman voting in the
4 affirmative earlier today. Senator Halperin.
5 (There was no response.)
6 Senator Hannon.
7 SENATOR HANNON: Yes.
8 THE SECRETARY: Senator
9 Hoffmann.
10 SENATOR HOFFMANN: No.
11 THE SECRETARY: Senator Holland.
12 SENATOR HOLLAND: Yes.
13 THE SECRETARY: Senator Johnson
14 voting in the affirmative earlier today.
15 Senator Jones.
16 SENATOR JONES: Yes.
17 THE SECRETARY: Senator Kuhl.
18 SENATOR KUHL: Aye.
19 THE SECRETARY: Senator Lack.
20 (There was no response.)
21 Senator Lack?
22 (There was no response.)
23 Senator Larkin voting in the

1 affirmative earlier today. Senator LaValle
2 voting in the affirmative earlier today.
3 Senator Leichter.

4 (There was no response.)

5 Senator Levy.

6 (There was no response.)

7 Senator Libous.

8 SENATOR LIBOUS: Aye.

9 THE SECRETARY: Senator Maltese
10 voting in the affirmative earlier today.
11 Senator Marchi.

12 (There was no response.)

13 Senator Marino.

14 (Indicating "Aye.")

15 THE SECRETARY: Aye. Senator
16 Markowitz.

17 SENATOR MARKOWITZ: No.

18 THE SECRETARY: Senator

19 Masiello.

20 (There was no response.)

21 Senator Mega.

22 SENATOR MEGA: Yes.

23 THE SECRETARY: Senator Mendez.

1 SENATOR MENDEZ: No.
2 THE SECRETARY: Senator
3 Montgomery.
4 SENATOR MONTGOMERY: No.
5 THE SECRETARY: Senator Nolan.
6 (There was no response.)
7 Senator Nozzolio.
8 SENATOR NOZZOLIO: Aye.
9 THE SECRETARY: Senator
10 Ohrenstein.
11 (Indicating "No.")
12 THE SECRETARY: No. Senator
13 Onorato.
14 SENATOR ONORATO: No.
15 THE SECRETARY: Senator
16 Oppenheimer.
17 SENATOR OPPENHEIMER: No.
18 THE SECRETARY: Senator Padavan.
19 SENATOR PADAVAN: Yes.
20 THE SECRETARY: Senator Pataki.
21 SENATOR PATAKI: Yes.
22 THE SECRETARY: Senator
23 Paterson.

1 (There was no response.)
2 Senator Present.
3 SENATOR PRESENT: Aye.
4 THE SECRETARY: Senator Saland.
5 (There was no response.)
6 Senator Santiago.
7 SENATOR SANTIAGO: No.
8 THE SECRETARY: Senator Sears.
9 SENATOR SEARS: Aye.
10 THE SECRETARY: Senator Seward.
11 (There was no response.)
12 Senator Sheffer.
13 SENATOR SHEFFER: Yes.
14 THE SECRETARY: Senator Skelos.
15 SENATOR SKELOS: Yes.
16 THE SECRETARY: Senator Smith.
17 SENATOR SMITH: No.
18 THE SECRETARY: Senator Solomon.
19 SENATOR SOLOMON: No.
20 THE SECRETARY: Senator Spano.
21 (There was no response.)
22 Senator Stachowski.
23 SENATOR STACHOWSKI: Yes.

1 THE SECRETARY: Senator
2 Stafford.
3 (There was no response.)
4 Senator Stavisky.
5 (There was no response.)
6 Senator Trunzo.
7 SENATOR TRUNZO: Yes.
8 THE SECRETARY: Senator Tully.
9 SENATOR TULLY: Aye.
10 THE SECRETARY: Senator Velella.
11 SENATOR VELELLA: Yes.
12 THE SECRETARY: Senator Volker.
13 SENATOR VOLKER: Yes.
14 THE SECRETARY: Senator Waldon.
15 SENATOR WALDON: Mr. President.
16 To explain my vote.
17 (Whereupon, Senator Kuhl was in
18 the chair.)
19 ACTING PRESIDENT KUHL: Senator
20 Waldon to explain his vote.
21 SENATOR WALDON: Thank you very
22 much, Mr. President. My colleagues.
23 If we're serious about helping

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

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

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

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

11 I vote in the negative, Mr.
12 President.

13 THE SECRETARY: Senator Wright.

14 SENATOR WRIGHT: Aye.

15 ACTING PRESIDENT KUHL:

16 Absentees. Secretary will call.

17 THE SECRETARY: Senator
18 Dollinger.

19 SENATOR DOLLINGER: Yes.

20 THE SECRETARY: Senator
21 Gonzalez.

22 (There was no response.)

23 Senator Halperin.

1 (There was no response.)
2 Senator Lack.
3 SENATOR LACK: Aye.
4 THE SECRETARY: Senator Leichter.
5 SENATOR LEICHTER: Nay.
6 THE SECRETARY: Senator Levy.
7 SENATOR LEVY: Aye.
8 THE SECRETARY: Senator Marchi.
9 SENATOR MARCHI: Aye.
10 THE SECRETARY: Senator
11 Masiello.
12 (There was no response.)
13 Senator Nolan.
14 (There was no response.)
15 Senator Paterson.
16 (There was no response.)
17 Senator Saland.
18 SENATOR SALAND: Aye.
19 THE SECRETARY: Senator Seward.
20 SENATOR SEWARD: Aye.
21 THE SECRETARY: Senator Spano.
22 SENATOR SPANO: Aye.
23 THE SECRETARY: Senator

1 Stafford.

2 (There was no response.)

3 Senator Stavisky.

4 ACTING PRESIDENT KUHL: Announce
5 the results.

6 THE SECRETARY: Ayes 37, nays
7 16.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1062, by Senator Daly, Senate Bill Number 1392,
12 an act to amend the Insurance Law in relation to
13 multiple employer welfare arrangements.

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

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

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

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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.

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

3 SENATOR GOLD: Mr. President.

4 ACTING PRESIDENT KUHL: Senator
5 Gold.

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

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

18 SENATOR NOLAN: Yes, it is.

19 ACTING PRESIDENT KUHL: The
20 record will so reflect.

21 Calendar Number 1062, the
22 Secretary will read.

23 THE SECRETARY: Calendar Number

1 1062, by Senator Daly, Senate Bill Number 1392,
2 an act to amend the Insurance Law, in relation
3 to multiple employer welfare arrangements.

4 SENATOR GOLD: All right.

5 ACTING PRESIDENT KUHL: Senator
6 Gold.

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

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

14 SENATOR GOLD: Mr. President.

15 ACTING PRESIDENT KUHL: The chair
16 recognizes Senator Solomon.

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

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

21 SENATOR DALY: Yes, Mr.
22 President.

23 ACTING PRESIDENT KUHL: Senator

1 yields.

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

9 SENATOR DALY: Yes, it would.

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

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

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

1 responsibility to oversee MEWAs.

2 I will read, for example, Section
3 4404, "The Superintendent may examine into the
4 affairs of any employee welfare fund as often as
5 he deems it necessary and he shall do it at
6 least once every five years." So there is
7 control by the Insurance Department over these
8 arrangements.

9 SENATOR SOLOMON: Thank you.

10 Thank you, Mr. President.

11 On the bill.

12 ACTING PRESIDENT KUHL: Senator
13 Solomon on the bill.

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

1 that fraud can be attributed to MEWAs.

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

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

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

1 Thank you.

2 ACTING PRESIDENT KUHL: Read the
3 last section.

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 59.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1065, by Senator Bruno, Senate Bill Number 1744,
14 an act to amend the Executive Law.

15 SENATOR GOLD: Explanation.

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

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

1 State.

2 SENATOR GOLD: Last section.

3 ACTING PRESIDENT KUHL:

4 Explanation satisfactory.

5 Read the last section.

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

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 59.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1069, by Senator Cook.

16 SENATOR PADAVAN: Lay it aside.

17 ACTING PRESIDENT KUHL: Lay the
18 bill aside.

19 THE SECRETARY: Calendar Number
20 1088, by Senator Stafford, Senate Bill Number
21 4853.

22 SENATOR PADAVAN: Lay it aside.

23 ACTING PRESIDENT KUHL: Lay the

1 bill aside.

2 THE SECRETARY: Calendar Number
3 1096, by Senator Padavan, Senate Bill Number
4 5446, an act to amend the Penal Law and the
5 Administrative Code of the city of New York.

6 SENATOR GOLD: Senator Smith.

7 ACTING PRESIDENT KUHL: The chair
8 recognizes Senator Smith.

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

16 ACTING PRESIDENT KUHL: Senator
17 Smith.

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

21 SENATOR PADAVAN: Sure.

22 ACTING PRESIDENT KUHL: Senator
23 Padavan yields.

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

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

7 SENATOR SMITH: Thank you.

8 ACTING PRESIDENT KUHL: Read the
9 last section.

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

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 59.

16 ACTING PRESIDENT KUHL: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1101, by Senator Babbush, Senate Bill Number
20 5801, authorize the city of New York to dispose
21 of certain public lands.

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

1 Read the last section.

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

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 59.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1107, by Senator Levy.

12 SENATOR GOLD: Explanation.

13 SENATOR PADAVAN: Lay it aside.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside.

16 THE SECRETARY: Calendar Number
17 1110, by Senator Seward, Senate Bill Number
18 2684, an act to amend the Real Property Tax Law.

19 SENATOR GOLD: Last section.

20 THE SECRETARY: Read the last
21 section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

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

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 Senator Leichter.

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

12 ACTING PRESIDENT KUHL: Without
13 objection.

14 SENATOR LEICHTER: Thank you.

15 SENATOR MENDEZ: Mr. President.

16 ACTING PRESIDENT KUHL: Senator
17 Mendez.

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

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

1 Senator Libous.

2 SENATOR LIBOVS: Mr. President,
3 are we doing some housekeeping now? I have
4 several before the house.

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

8 SENATOR LIBOVS: You are the
9 president, sir.

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

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

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

18 THE SECRETARY: Calendar Number
19 1115, by Senator Maltese, Senate Bill Number -

20 SENATOR PADAVAN: Lay it aside,
21 please.

22 ACTING PRESIDENT KUHL: Lay the
23 bill aside.

1 THE SECRETARY: Calendar Number
2 1126, by Senator Johnson.

3 SENATOR PADAVAN: Lay it aside,
4 please.

5 ACTING PRESIDENT KUHL: Lay the
6 bill aside.

7 THE SECRETARY: Calendar Number
8 1128, by Senator Volker, Senate Bill Number
9 4829, Criminal Procedure Law, in relation to
10 issuance of search warrants.

11 ACTING PRESIDENT KUHL: Read the
12 last section.

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 59.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1131, by Senator Nozzolio, Senate Bill Number
23 5007, authorize Tier I status for Allen Ingalls

1 in the New York State and local Employees
2 Retirement System.

3 SENATOR GOLD: Explanation.

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

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

9 SENATOR GOLD: Your double.

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

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

21 SENATOR NOZZOLIO: Certainly.

22 SENATOR GOLD: Why?

23 SENATOR LACK: Why not?

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

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

8 SENATOR GOLD: I'd be grateful.

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

16 SENATOR GOLD: What was the
17 error?

18 ACTING PRESIDENT KUHL: Senator
19 Gold.

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

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

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

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

14 Senator Gold, do you wish to
15 continue?

16 SENATOR GOLD: Yes, Mr.
17 President.

18 ACTING PRESIDENT KUHL: Senator
19 Gold.

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

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

7 ACTING PRESIDENT KUHL: Senator
8 Leichter.

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

23 ACTING PRESIDENT KUHL: There is

1 a home rule message at the desk.

2 Excuse me. Senator Trunzo.

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

6 SENATOR LEICHTER: In big
7 letters.

8 ACTING PRESIDENT KUHL: Read the
9 last section.

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

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

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

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1140, by Senator Johnson, Senate Bill Number
22 5540, an act to amend the Retirement and Social
23 Security Law.

1 ACTING PRESIDENT KUHL: Read the
2 last section.

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 59.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 Some housekeeping.

12 Return to motions and
13 resolutions, Senator Present?

14 SENATOR PRESENT: Housekeeping,
15 please.

16 ACTING PRESIDENT KUHL: Senator
17 Libous.

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

21 ACTING PRESIDENT KUHL: Star is
22 removed Calendar Number 961.

23 SENATOR LIBOUS: On behalf of my

1 colleague, Senator Levy, Mr. President, on page
2 21, I offer the following amendments to Calendar
3 Number 892, Senate Print Number 1309, and ask
4 that said bill retain its place on Third Reading
5 Calendar.

6 ACTING PRESIDENT KUHL: Without
7 objection, amendments received.

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

12 ACTING PRESIDENT KUHL: Secretary
13 will read.

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

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

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

22 (The Secretary called the roll on
23 reconsideration.)

1 THE SECRETARY: Ayes 59.

2 ACTING PRESIDENT KUHL: The bill
3 is before the house.

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

6 ACTING PRESIDENT KUHL:
7 Amendments are received.

8 Senator Wright.

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

12 ACTING PRESIDENT KUHL: Secretary
13 will read.

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

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

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

22 (The Secretary called the roll on
23 reconsideration.)

1 THE SECRETARY: Ayes 59.

2 ACTING PRESIDENT KUHL: The bill
3 is before the house.

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

6 ACTING PRESIDENT KUHL:
7 Amendments are received.

8 Senator Marchi.

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

14 ACTING PRESIDENT KUHL: Secretary
15 will read a substitution.

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

21 ACTING PRESIDENT KUHL:
22 Substitution ordered.

23 Senator Present.

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

8 And I now ask the Senate stand at
9 ease.

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

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

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

17 ACTING PRESIDENT VOLKER: Senator
18 Present.

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

23 ACTING PRESIDENT VOLKER: Clerk

1 will read.

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

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

8 490, by Senator Paterson,
9 authorize the city of New York to reconvey its
10 interest in certain real property.

11 1001, by Senator Levy, Education
12 Law.

13 1310, by Senator Levy, Vehicle
14 and Traffic Law.

15 1364A, by Senator Marchi,
16 Environmental Conservation Law.

17 2205, by Senator Skelos, an act
18 to amend the Penal Law.

19 2209, by Senator Spano,
20 Retirement and Social Security Law.

21 2717, by Senator Spano, an act to
22 amend the Local Finance Law.

23 2721, by Senator Pataki, town of

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

3 2984A, by Senator Trunzo and
4 others, Education Law.

5 3028A, by Senator Cook, General
6 Municipal Law.

7 3126, by Senator Velella,
8 Executive Law.

9 3188, by Senator Velella,
10 Executive Law.

11 3374A, by Senator Sheffer, an act
12 to amend the Tax Law.

13 3434, by Senator Markowitz, city
14 of New York to reconvey its interest in certain
15 real property.

16 3566, by Senator Pataki, an act
17 to amend the Penal Law.

18 3951, by Senator DeFrancisco,
19 Domestic Relations Law.

20 4225A, by Senator Spano, New York
21 State Financial Emergency Act of 1984.

22 4230B, by Senator Wright, amends
23 Chapter 266 of the Laws of 1854.

1 4327, by Senator Cook, legalize,
2 ratify and validate and confirming certain
3 actions.

4 4433, by Senator Skelos, Tax Law.

5 4449, by Senator Libous, an act
6 to amend the Penal Law.

7 4772, by Senator Wright, an act
8 to amend the Tax Law and the Administrative Code
9 of the city of New York.

10 4830, by Senator Volker, an act
11 to amend the Penal Law.

12 4844, by Senator Levy, an act to
13 amend the Tax Law.

14 4917, by Senator Maltese, Civil
15 Service Law.

16 4955, by Senator Padavan, an act
17 to amend the Penal Law.

18 4991, by Senator Hannon, an act
19 to amend the Tax Law.

20 5017, by Senator Hannon, to allow
21 Douglas Robins retroactive membership in the
22 retirement system.

23 5332, by Senator Hannon, amends

1 Chapter 750 of the Laws of 1871.
2 5372, by Senator Cook, Local
3 Finance Law.
4 5364, by Senator Masiello, amends
5 Chapter 824 of the Laws of 1933.
6 5376, by Senator Santiago,
7 authorize the city of New York to reconvey its
8 interest in certain real property.
9 5589, by Senator Skelos,
10 Executive Law.
11 5602, by Senator Tully, Public
12 Health Law.
13 5604, by Senator Tully,
14 Commissioner of Health to study the needs and
15 benefits, et cetera.
16 5859, by Senator Saland, Local
17 Finance Law.
18 5870, by Senator Bruno, town of
19 Clifton Park to employ town constables.
20 5883, by Senator Seward, town
21 justice providing for the election of a third
22 town justice.
23 And 5768, by Senator Wright,

1 Energy Law.

2 All bills reported directly for
3 third reading.

4 ACTING PRESIDENT VOLKER: Without
5 objection, third reading.

6 Senator Present.

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

10 ACTING PRESIDENT VOLKER:
11 Secretary will read.

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

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

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

21 (The Secretary called the roll on
22 reconsideration.

23 THE SECRETARY: Ayes 59.

1 ACTING PRESIDENT VOLKER: The
2 bill is before the house.

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

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

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

16 ACTING PRESIDENT VOLKER: It is
17 received and amended.

18 SENATOR PRESENT: And, Mr.
19 President, on behalf of Senator Hannon, on page
20 19, I offer the following amendments to Calendar
21 870, Senate Print 4900, and ask that it retain
22 its place on the Third Reading Calendar.

23 ACTING PRESIDENT VOLKER: Without

1 objection.

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

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

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

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

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23