ALBANY, NEW YORK

June 25, 1993

12:02 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

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

Today, in the absence of visiting clergy, may we bow our heads for a moment of silent prayer.

(Whereupon, there was a moment of silence.)

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Thursday, June 24. The Senate met pursuant to adjournment. Prayer by Rabbi Hyman Levine of the Bayside Terrace Jewish Center of Bayside. The Journal of Wednesday, June 23, was read and approved. On motion, Senate adjourned.

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

read.

The order of business.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President. On page 7, I offer the following amendments to Calendar 232, Senate Print 289A, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, the bill will retain its place on the Third Reading Calendar.

Senator Trunzo.

SENATOR TRUNZO: Mr. President, on page 33, I offer the following amendments to Calendar Number 1314, Senate Print Number 5666A,

and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: The bill will retain its place on the Third Reading Calendar.

Senator Spano.

SENATOR SPANO: Mr. President. On behalf of Senator DeFrancisco, I wish to call up his bill, Print Number 3716, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator DeFrancisco, Senate Bill Number 3716, an act to amend the Military Law.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 35.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Spano.

SENATOR SPANO: I offer the following amendments.

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

SENATOR SPANO: On behalf of Senator Holland, I wish to call up his bill, Print Number 5147, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Holland, Senate Bill 5147, an act to amend the Public Authorities Law.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll on

reconsideration.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Spano.

SENATOR SPANO: Offer the following amendments.

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

SENATOR SPANO: On behalf of Senator Libous, I wish to call up his bill, 4636, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Libous, Senate Bill Number 4636, an act to amend the Vehicle and Traffic Law.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT FARLEY: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Spano.

SENATOR SPANO: Offer the following amendments.

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

Senator Tully.

SENATOR TULLY: Yes, Mr. President. On behalf of Senator Hannon, on page 4, I offer the following amendments to Calendar Number 59, Senate Print Number 279A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, it will so happen.

SENATOR TULLY: Mr. President.

On behalf of Senator Daly, on page number 33, I offer the following amendments to Calendar Number 1313, Senate Print Number 5253, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, the bill will retain its place.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Levy, I wish to call up Print Number 193, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Levy, Senate Bill Number 193, an act to amend the Railroad Law and the Public Authorities Law.

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

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

(The Secretary called the roll on

reconsideration.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Libous.

SENATOR LIBOUS: I offer up the following amendments.

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

Are there any other motions on the floor?

(There was no response.)

Seeing none, we have some substitutions, Senator Present. We will do those at your pleasure.

SENATOR PRESENT: You may.

THE SECRETARY: On page 32, Senator Onorato moves to discharge the Committee on Rules from Assembly Bill Number 2666 and substitute it for the identical Third Reading 1305.

ACTING PRESIDENT FARLEY:

Substitution ordered.

THE SECRETARY: On page 33, Senator Sears moves to discharge the Committee on Rules from Assembly Bill Number 374 and substitute it for the identical Third Reading 1309.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: Also on page 33, Senator Spano moves to discharge the Committee on Rules from Assembly Bill Number 1390B and substitute it for the identical Third Reading 1310.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: And on page 33, Senator Saland moves to discharge the Committee on Rules from Assembly Bill Number 7911A and substitute it for the identical Third Reading 1315.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Senator Present. It's your call.

SENATOR PRESENT: Let's take the non-controversial calendar, please.

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

THE SECRETARY: On page 4, Calendar Number 102, by Senator Bruno.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 180, by Senator Spano, Senate Bill Number 1987B, an act to amend the Civil Service Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: On page 7, Calendar Number 314, by Senator DeFrancisco, Senate Bill Number 3513A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 395, by Senator Kuhl, Senate Bill Number 3414B, an act to amend the Agriculture and Markets Law.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for today.

THE SECRETARY: Calendar Number 595, by Senator Kuhl, Senate Bill Number 2667B,

an act to amend the Navigation Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Excuse me. Ayes 37, nays 1. Senator Nozzolio recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 832, by Senator Cook, Senate Bill Number 2915A, an act to amend the Social Services Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 894, by member of the Assembly Murtagh, Assembly Bill Number 6199A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 921, by member of the Assembly Hevesi, Assembly Bill Number 7189A, an act to amend the Education

Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 972, by the Senate Committee on Rules, Senate Bill Number -

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1158, by member of the Assembly Connelly, Assembly Bill Number -

SENATOR STACHOWSKI: Lay it aside.

SENATOR PRESENT: Lay that bill aside for today.

ACTING PRESIDENT FARLEY: Lay that bill aside for today.

THE SECRETARY: Calendar Number 1251, by Senator Lack.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for today.

THE SECRETARY: Calendar Number 1255, by Senator Holland.

SENATOR HOLLAND: Star the bill, please.

ACTING PRESIDENT FARLEY: Star the bill.

THE SECRETARY: Calendar Number 1260, by the Senate -

SENATOR PRESENT: Lay it aside for today.

ACTING PRESIDENT FARLEY: Lay it aside for today.

THE SECRETARY: Calendar Number

1267, by Senator Holland, Senate Bill Number 1779A, amends Chapter 537 of the Laws of 1976.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38, nays 2, Senators Cook and Pataki recorded in the negative.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 1293 -- Calendar Number 1293, by Senator Sheffer, Senate Bill Number 5835A, authorizing the village of LeRoy, county of Genesee, to discontinue the use of certain park lands.

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1295, by Senator Mega, Senate Bill Number -

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1302, by Senator Tully, Senate Bill Number 26A, an act to amend the Public Health Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1304, by Senator Johnson, Senate Bill Number 1568, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1305, substituted earlier today, by member of the Assembly Nolan, Assembly Bill Number 2666, authorizing the city of New York to reconvey its interest in certain real property.

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

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1306, by Senator Spano, Senate Bill Number -

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1307, by Senator Skelos, Senate Bill Number 3110, an act to amend the General Business Law, in relation to the license fee for private investigators.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1308, by Senator LaValle, Senate Bill Number 3176.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for today.

THE SECRETARY: Calendar Number 1309, substituted earlier today, by member of the Assembly Bragman, Assembly Bill Number 374, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1310, substituted earlier today, by member of the Assembly Sanders.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1312, by Senator Tully, Senate Bill Number 4247, authorizing the assessor of the county of Nassau to accept an application for exemption.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1315, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7911A, an act to amend the Agriculture and Markets Law and the Environmental Conservation Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1316, by Senator Johnson, Senate Bill Number -

SENATOR STACHOWSKI: Lay it aside.

SENATOR JOHNSON: Lay it aside

for amendment.

ACTING PRESIDENT FARLEY: Lay it aside for today.

THE SECRETARY: Calendar Number 1317, by Senator Padavan.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for today.

THE SECRETARY: Calendar Number 1318, by Senator Trunzo, Senate Bill Number 5921, an act to amend Chapter 509 of the Laws of 1992.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1319, by Senator Maltese, Senate Bill Number 5959, an act to amend the Civil Service Law.

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

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

SENATOR PRESENT: Mr. President. Let's take up the controversial calendar please.

Will you recognize Senator Saland.

ACTING PRESIDENT FARLEY: Senator Saland.

SENATOR SALAND: Mr. President, I

would like unanimous consent to be recorded in the negative on Calendar 1267, Senate Bill 1779A.

ACTING PRESIDENT FARLEY: Without objection, you're in the negative.

Senator Seward.

SENATOR SEWARD: Mr. President, if we could return to motions for just a moment. I would like to place a sponsor star on Calendar Number 751 and Calendar Number 769.

ACTING PRESIDENT FARLEY: 751 and 769 are starred at the request of the sponsor.

SENATOR SEWARD: Thank you.

ACTING PRESIDENT FARLEY: You're welcome.

Controversial. The Secretary will read.

THE SECRETARY: On page 4, Calendar Number 102, by Senator Bruno.

SENATOR PRESENT: Lay it aside.

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

SENATOR PRESENT: Yes.

ACTING PRESIDENT FARLEY: Yes.

THE SECRETARY: Calendar Number 972, by the Senate Committee on Rules, Senate Bill Number 57 -

SENATOR STACHOWSKI: Lay it aside temporarily.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1295, by Senator Mega, Senate Bill Number 5841A, proposing an amendment to the Constitution.

SENATOR STACHOWSKI: Lay that bill aside temporarily.

SENATOR PRESENT: Temporarily lay that bill aside.

ACTING PRESIDENT FARLEY: Lay that bill aside temporarily.

SENATOR MEGA: Mr. President.

ACTING PRESIDENT FARLEY: Senator Mega.

SENATOR MEGA: May I ask you

question? Is the bill being laid aside for debate?

SENATOR STACHOWSKI: No, no, just temporarily.

SENATOR MEGA: Will there be a slow roll call on the bill?

SENATOR STACHOWSKI: I don't know. Senator Gold had some questions.

SENATOR MEGA: I have no objection.

ACTING PRESIDENT FARLEY: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1306, by Senator Spano, Senate Bill Number 2020A, an act to amend the Mental Hygiene Law.

SENATOR STACHOWSKI: Explanation.

SENATOR SPANO: Mr. President.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT FARLEY: I didn't hear you.

Explanation. Senator Spano.

SENATOR SPANO: Mr. President. This bill establishes a new section of law in the Mental Hygiene Law entitled, "The Community Mental Health Reinvestment Program." This is an issue that many of us have been talking about this entire session, where we are finally to the point where the Legislature will be passing a measure that will finally capture savings of the closure of psychiatric centers and reinvest those savings into building the other part of the equation, which is the community-based system care in our communities.

We have seen over the past several years the census at the psychiatric centers reduced from, in 1987, some 20,000 patients to 12,000 patients in 1992. We're looking at -- the census will probably be reduced between 6,000 and 8,000 patients by the year 2000.

The one part -- the one part of the commitment that has not been set is that the money that has been saved from the closures has not been reinvested into the community. The money has not followed the patients into the community where they are.

So right now, we are a very lopsided equation, with the majority of the money being spent in institutional care while the majority of the patients are in fact out in the community who are becoming a burden not only to local governments but to neighborhoods, as well, where we have seen time and time again of individuals, because of the lack of a community-based system of care who have been terrorizing neighborhoods all across the state of New York.

This program would result in nearly a billion dollars of community reinvestment over the next five years. We have established a formula, a formula that is based on the census reduction figures that have been presented to us as a part of the five-year plan

of the Office of Mental Health. And based on those numbers, we have put together a program that would provide for a number of in-patient and emergency out-patient case managements, residential community support programs all for the mentally ill in our communities.

And at the same time we have paid special recognition to the issue of the patient/staff ratio within the psychiatric centers right now in the state of New York. So a certain percentage of this reinvestment money will also go to improving the patient -- the staff ratios which will improve quality of care in our institutions as well as ensure that the employees who work on a regular basis in our facilities all across the state will work in a very safe environment.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Whoops! Senator Leichter.

SENATOR LEICHTER: Will Senator

Spano yield, please.

SENATOR SPANO: Sure.

SENATOR LEICHTER: Oh, I'm sorry. I'll yield to Senator Galiber.

SENATOR GALIBER: That's all right. I just wonder how you got to Leichter over me?

ACTING PRESIDENT FARLEY: I thought you both jumped up at the same time, and guess who I saw first.

Senator Galiber, you've got the floor. He's yielded.

(Discussion off the record wherein Senator Galiber yielded to Senator Leichter.)

SENATOR LEICHTER: Okay. Senator Spano, if you would be so good as to yield.

SENATOR SPANO: Yes.

SENATOR LEICHTER: Senator, I was a sponsor of the original bill. We are now dealing with the "A" version.

One of my concerns is, Senator, that, as I understand it, the amended bill with

a revised formula for the allocation provides less money to the city of New York. And let me just explain my concern not just because I'm from the city of New York but because I think we will all agree that the need in the city of New York is probably greater than it is anywhere else in the state, more of the institutionalized people come from or end up in the city of New York.

We have a terrible problem in the city of New York. We like the idea of sending monies to communities to deal with people who are in need of these services. But are you directing the money in a fashion which discriminates against that community which has the greatest need?

SENATOR SPANO: The first bill that we introduced, Senator Leichter, is a bill that would have resulted in about 50 percent of the money going to the city of New York. Our calculations show that this bill roughly about 51, 52 percent of the money would go to the city of New York, as well.

So it doesn't represent a significant -- if anything, the second version a little bit more money will go into New York City. They get -- roughly, we go through it on page 8 of the bill. It has the breakdown of the -- you know, 40 percent of prevalence, 20 percent, or 50 percent of that, does go to the city. The unmet need, 25 percent of that goes to the city. The targeted closure, part of that goes to the city as well.

So we were very sensitive to the fact that the need, of course, does exist in the city of New York and make sure that that money is put into that area.

SENATOR LEICHTER: Senator Spano, but it is my understanding and I think if I understood your answer that you just confirmed that there is a cap in the amended version. I guess a cap of 40 percent overall that goes to areas with the prevalence of mental illness, and the result of that is you take one half of the amount that's now capped at 40 percent and send it to the city of New York. You are certainly

giving less than you did under the "A" version.

SENATOR SPANO: But that is not -- that is not -- we shouldn't look at that as a cap, Senator. That 40 percent is related to the prevalence, which is the highest number of individuals in need of psychiatric care and where they are. This 40 percent is an appropriation, not a limit but an appropriation or an allocation of 40 percent to the city of New York, and there are a number of other allocations in here.

There is an additional 20 percent that goes to the unmet need, the areas of unmet need across the state, another 4 percent that goes to the targeted closure areas or areas where psychiatric centers will be closed; 4 percent of that money will go to build community programs there, as well. And then there's 36 percent that is left at the discretion of the Commissioner based on a number of criteria that are listed in the bill.

So that 40 percent is only one part of it, but we shouldn't look at that as 40

percent, 20 percent of which goes to the city of New York, which is accurate, but New York City also receives portions of the other appropriations, as well.

SENATOR LEICHTER: Senator, you say it's not a cap but it works as a cap, that 40 percent; and so, clearly, within that 40 percent, New York gets 20; whereas, in the original bill, you had I think the need or the criteria consideration which drove money to areas where the high prevalence of mental illness was 60 percent. So it seems to me fairly clear just mathematically -- and I want to hasten to add I'm not particularly knowledgeable in this area, and I appreciate your leadership, by the way. I think it's important, and it has been helpful.

But it does seem to me we are looking at a likely decline in money to New York City which is of concern, and I hasten to add again not because I am from New York City but I think we all agree that there is the greatest need there.

SENATOR SPANO: And, Senator Leichter, when you talk about the 60 percent, under the first bill New York City would get 30 percent of that 60 percent. On this bill on the 40 percent prevalence, which is not a cap but which is an appropriation, what we have also done, as you look through it, as you run through the appropriations, the city of New York continues to receive a certain percentage of each part of those allocations.

So we'll get 20 percent of the prevalence. On the unmet need or estimating that 15 percent of that unmet need will be going to the city of New York, and then of the Commissioner's discretionary money, which is 36 percent, we're expecting that some 18 percent will be going to the city of New York from that, as well, so we are well over -- well, we're at 53 percent of the money that will be going to the city.

SENATOR LEICHTER: Senator, one thing that was just pointed out to me that under the original bill, where you had the 60 percent,

the language there said that no less than half shall be allocated to New York City. So under that bill, the city of New York could have gotten more than 30 percent. But the bill as it's been amended takes 40 and says no more than one half. So under that bill you do cap the city of New York. It gets only 20 percent under that particular -

SENATOR SPANO: Only, Senator, because under the original bill that was the only method of distribution. Under this new bill, we have established different criteria for distribution of the money which results in more money to the city of New York in total. And also on the first bill, it was a very ambitious program that was put together by the mental health networks, but it was over $800 million which I would love -- and I know that you share that same sensitivity -- would love to be able to come through with a program like that, but this is a bill that hopefully the Governor will find more acceptable that appropriates a little more than $45 million per year.

SENATOR LEICHTER: Senator, I hear what you say. I'm told that the Assembly believes that your bill will provide less money to an area of great need such as New York City. I hope you're correct. I will accept your statement that the amended version is not intended to provide less money for New York City and will not provide less money. I hope very much that you are correct on it, and I will accept your statement. And should this bill become law -- and I understand at the present time this is part of the negotiating dance. But should it become law, I hope that you will make sure that your intent to see that areas of need like New York City receive their appropriate share will be implemented.

Let me ask you a question which I have been asked to pose to you; and that is, that I understand that the cost of this bill would be approximately $45.5 million in the current year, and the question is how are we going to provide for that since there's no provision for that in the fiscal plan.

SENATOR SPANO: The cost of $45.5 million a year is all based on the savings occurred as a result of census reduction. If you noticed in the bill, Senator, we are following along the census reduction projections of the Office of Mental Health, which is roughly 700 beds per year. We take that 700 beds and multiply it by $65,000 per bed, and we come up with the total figure.

SENATOR LEICHTER: Well, again, Senator, I rely on your expertise in this area. I hope you are correct. I know over the years I have learned to become a little suspicious when a bill that obviously has a dollar amount to it and somebody says, "Don't worry, the money is going to come from savings somewhere else." I can accept intellectually what you are saying. I hope that will be the case, and I thank you for your answers.

(Whereupon, Senator Padavan was in the chair.)

ACTING PRESIDENT PADAVAN: Read the last section.

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

(The Secretary called the roll.)

SENATOR GOLD: Mr. President.

ACTING PRESIDENT PADAVAN: Senator Gold.

SENATOR GOLD: I'm sorry. Could you withdraw the roll call. Senator Galiber -

ACTING PRESIDENT PADAVAN: Senator Galiber.

SENATOR GALIBER: The other president recognized me.

ACTING PRESIDENT PADAVAN: Will you please withdraw the roll call.

SENATOR GALIBER: Yes. Senator Spano, could you tell me what will this mean to Mount Vernon, strange as it may seem to you from my old perspective?

SENATOR SPANO: Knowing your sensitivity to Westchester County, Senator, I will be happy to explain that.

To cities like Mount Vernon and cities that are outside of the city of New York,

there would -- they would have parts of this money that could be proposed to them.

Number 1, we had said that the prevalence figure, the 40 percent of the money that is -- that goes to the areas where the highest need; 20 percent of that would go to the city of New York. The other 20 percent of that money could be appropriated to other communities outside the city. Mount Vernon would benefit from the targeted closure piece because the city of Mount Vernon is an area that is directly affected by the closure of Harlem Valley Psychiatric Center because Mount Vernon falls within that catchment area for Harlem Valley. So that would be 4 percent.

SENATOR GALIBER: That would be 4 percent of the total closure which calls for 40 percent of the 45 million to be appropriated.

SENATOR SPANO: Four percent of 45 million.

SENATOR GALIBER: Four percent.

SENATOR SPANO: Now, in addition to that 4 percent, though, the other parts of

this bill or the other allocations in this bill, are the Commissioner's discretionary money, the prevalence money, all of that could go to the city of Mount Vernon.

By the way, Senator Galiber, as you are probably aware, Mount Vernon already has received a positive signal; whereas, the Office of Mental Health granted the certificate of need for 22 additional beds in the Mount Vernon hospital to handle psychiatric in-patient care so that they are spending money there right now.

SENATOR GALIBER: Fine. Let me jump across the border and come back to the other district that I represent. The point that you made in the course of your explanation -- I appreciate it -- is that it is conceivable that Mount Vernon, who is locked into 4 percent of the closure money -- okay?

SENATOR SPANO: A portion of the 4 percent.

SENATOR GALIBER: A portion of the 4 percent of the $45 million which is appropriated. If in the discretion of the

Commissioner, he decides that 36 percent of the discretionary money -- can you hear me?

SENATOR SPANO: It's your Minority Leader that's -

SENATOR GALIBER: Oh, don't blame him. It's all right. It's Friday, Mr. President. Let me ask. Let me try again.

The point being that that as I shift over geographically, into another government, by the way, we find that based on the amended formula that the 36 percent discretionary money that now the Commissioner has which he did not have in the original because the original formula was different.

SENATOR SPANO: Right.

SENATOR GALIBER: In the original bill, obviously, for those of us who look with suspect from the other geographical area, that it's conceivable that New York could be the loser as a result of the "A" form if in fact the discretionary money, the 36 percent that the Commissioner has, he can make or she can make her mind up to channel that money other places

than New York, depending on the factors that are involved.

SENATOR SPANO: On the Commissioneer's discretionary money, we have set forth criteria in the bill. There are six factors that the Commissioner would have to take into account and if in fact any communities do fall within that criteria, yes, the Commissioner can make that appropriation.

SENATOR GALIBER: I understand that. But it is conceivable that as a result of this discretionary formula, and I repeat, of 36 percent, the discretion where the Commissioner says we have criteria of six variables and you take those variables then you are eligible for my discretionary money, taking all that into consideration, isn't it a fact that it's conceivable that the city of New York, based on the given criteria, could be excluded from that discretionary money?

SENATOR SPANO: No.

SENATOR GALIBER: Tell me why.

SENATOR SPANO: When you look at

the criteria, Senator Galiber, and you go through each part of that criteria, the city of New York scores very, very high in each area that would result, in our estimate, of at least half of that money probably going right into the city. They've got a high number of Medicaid patients. It's according to the state aid of local government unit share of funding, which is high. And all of that. It's according to the residents in the city, as well. So each part of this gives an equal shot to the city of New York for their appropriation.

SENATOR GALIBER: But you would agree that the equal opportunity in this narrow sense of the legislation, New York City would be better off under the "A" formula where they are guaranteed a percentage.

SENATOR SPANO: No.

SENATOR GALIBER: Fifty percent.

SENATOR SPANO: No, Senator.

SENATOR GALIBER: It would not?

SENATOR SPANO: Because we have established other criteria for appropriation in

this bill. The first part of it, the city of New York gets half of that first 40 percent. Of the unmet need, the city of New York would get part of that 20 percent. Targeted closure, the city of New York would get part of that, and then the 36 percent.

So if you are looking at just one 36 percent without looking at the entire bill, you can make that argument but not when you take into consideration everything.

SENATOR GALIBER: No, I'm looking -- I think I am, anyway. I can be corrected, of course. But I'm looking at the entire formula. And I understand where the closure is involved there is a criteria, which I have in my hand here, which in theory or perhaps I would like to think in actuality that the city of New York would be a prime beneficiary of the discretionary money in that category.

What troubles me is that -

SENATOR SPANO: Senator Galiber, if I can interrupt you for a second.

SENATOR GALIBER: Of course.

SENATOR SPANO: There is probably no other community in the state of New York that would receive as high a percentage of this money than the city of New York, and rightfully so, I might add, because that's where the highest percentage of the need is, in the city of New York with the homelessness and all the other problems that you know far better than I.

SENATOR GALIBER: Well, you can understand those of us who live in the city of New York and represent a portion of it have gone through an experience historically where some of the outer areas are just beginning to feel some of the impact. Unfortunately, the tragedy that occurred early on.

On the bill, and thank you, Senator.

On the bill, Mr. President. There are those of us who have looked upon this entire area with deep concern. I don't doubt for one moment that those who question -- those of us who question New York City's fair share, if you will, make sure that this large

metropolis is part of any formula especially in this category.

There are those of us who here were very happy, Senator, some years back. You might have been in the Assembly or maybe you hadn't even gotten to the Legislature yet, I'm not sure, that we finally closed down the Willowbrook situation and got rid of it. We were happy to see in that Willowbrook decision, where they hid people in the back rooms who could function on the outside with some support systems, and finally we were able to do that; and as a result of that decree, we found a lot of persons who are out now in the streets of New York, people on the outside with some supports -- certainly not enough.

Initially, as we moved in that direction, it's my understanding that some of our institutions started to think in terms of not just about the cost of keeping but the cost in terms of benefit to those persons who were the recipients, and we broke institutions for the first time down into smaller groups, in

saying that we could better service these people with supports by having community-based sorts of services rendered to them.

And you recall, I'm sure, because I go a few years forward from that decree and I'm sure you were here at the time, where we have been fighting systematically to have in our budget each year when they threatened to close down these small kind of support areas rather than large institutions as we started to break them down, and then we wake up this year and we find that there is closure taking place, that there is no money for all these good things that we intended. And those of us from the city of New York and Mount Vernon is close enough and near enough, if you will, to the city of New York to be concerned any time -- any time that things flow from Albany, where monies are involved and there is discretionary factors involved, however clearly -- however clearly they are defined, that the city of New York, as long as we find discretion which is not in the city of New York, we become the losers.

So, Senator, I bring this to the attention for the record and I know of your sincere interest. And when they change formulas as we have here in the "A" version, I would only hope that it does not work as a detriment of the city of New York where you yourself and based on the criteria in the discretionary category of 36 percent of the $45 million, that certainly New York City should be a prime beneficiary.

So I'm voting for the bill, and I just wanted the sponsor to know about concerns in the city of New York, that we questioned whether in that discretionary category whether we will be the primary beneficiary or a third category beneficiary when there is no money left in that discretionary category.

Thank you, Mr. President.

ACTING PRESIDENT PADAVAN: Read the last section.

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

ACTING PRESIDENT PADAVAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PADAVAN: Results.

Senator Galiber in the negative. Senator Ohrenstein in the negative.

THE SECRETARY: Ayes 46, nays 3. Senators Galiber, Ohrenstein and Waldon recorded in the negative.

ACTING PRESIDENT PADAVAN: The bill is passed.

Senator Present.

SENATOR PRESENT: Call up Calendar 972, please.

ACTING PRESIDENT PADAVAN: The Secretary will read Calendar 972.

THE SECRETARY: Calendar Number 972, by the Senate Committee on Rules, Senate Bill Number 5710A, an act to allow certain persons with previous service in public employment within the county of Suffolk.

ACTING PRESIDENT PADAVAN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT PADAVAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PADAVAN: Results.

THE SECRETARY: Ayes 46, nays 3, Senators Galiber, Gold and Leichter recorded in the negative.

ACTING PRESIDENT PADAVAN: The bill is passed.

Senator Present, shall we continue the controversial?

SENATOR PRESENT: Regular order, please.

ACTING PRESIDENT PADAVAN: Regular order, controversial.

THE SECRETARY: Calendar Number 1310, substituted earlier today, by member of the Assembly Sanders, Assembly Bill Number 1390B, an act to amend the Vehicle and Traffic Law, in relation to reports of motor vehicle accidents.

ACTING PRESIDENT PADAVAN: Read the last section.

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

ACTING PRESIDENT PADAVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT PADAVAN: The bill is passed.

Senator Present. That completes the controversial; however, I do have some motions.

SENATOR PRESENT: How about Calendar 1295.

ACTING PRESIDENT PADAVAN: 1295. The Secretary will read.

THE SECRETARY: Calendar Number 1295, by Senator Mega, Senate Bill Number 5841A, proposing an amendment to the Constitution.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT PADAVAN: Senator Gold.

SENATOR GOLD: Mr. President, it's my understanding that while there is probably a need for a fifth judicial district, there are issues concerning how that comes about and whether or not the right hand is talking to the left or the left is not talking to the right. The fact is that this is not, I understand, to be a negotiated bill and so I don't really think it's worthwhile spending these closing days just debating every one-house bill that comes along. Of course, I can't stop anybody from saying whatever they want.

But I just intend to vote in the negative. It's my little protest today. I think it ought to be beyond the point where we are still doing one-house bills. Our schedule came out, and today was supposed to be the last day of session. Ha-ha. We know that it's not going to be, but it ought to be the end of one house bill day.

SENATOR MEGA: Mr. President.

ACTING PRESIDENT PADAVAN: Senator Mega.

SENATOR MEGA: Mr. President. I don't want to prolong the debate on the one-house bill. Although by getting up and speaking, I'm doing that.

But this is a very important issue; and that is, the backlog of cases in the Second Department in our appellate court and our appellate review, and you're right, Senator Gold. You know that there hasn't been any discussion and you know that that's not my style particularly when we're trying to resolve such a crisis when there is a backlog of appellate review of two years. And, you know, there seems to be no issue that's too difficult that for some reason we can't keep walking away from. This happens to be one of them.

This is a constitutional amendment. We're looking for first passage. But, in my opinion, I think this house as a group has got to send a message to the other house and say, "Hey, sit down and start talking about trying to resolve this issue."

It's thirty years with all kinds

of reports and now it's come to life on my watch, so to speak. So it's a bill that says, yes, we need the fifth department to help the Second Department. Let's get first passage on it.

Let me just make one other comment. There were other suggestions made. Talk about one-house bills, there's a one-house bill in the Assembly that says, well, we'll take some of the cases temporarily and send them up to the Third Department. And you know what that does with the presiding justice of the Third Department and the work that they have to do because they have a work load.

So what did we do? We held a meeting. A meeting was called in my office, and it was not my meeting. It was a meeting of the whole, so to speak. And Assemblyman Koppell was there, Presiding Justice Mangano from the Second Department, Presiding Justice Murphy from the Third Department, and Dolores Denman was present. And as a result of this meeting and communicating -- and I say it so many times,

"communication." We think we're communicating but we're not.

But as a result of this meeting, a meeting was now held after this meeting with the chief judge. And apparently there was some in-house, some in-family resolution of trying to relieve the backlog in the Second Department. So at least we got something from it. So enough said on the issue.

This is first passage. We need the new department. Everybody knows we need it. Everybody knows we need it. There should be discussion on how we do it. And hopefully, there will be that discussion.

But I would appreciate your vote today on the creation of a fifth department.

Thank you.

ACTING PRESIDENT PADAVAN: On the adoption of the resolution, call the roll.

(The Secretary called the roll on the resolution.)

ACTING PRESIDENT PADAVAN: Senator Daly.

SENATOR DALY: I'll wait until you finish the roll call.

THE SECRETARY: Ayes 47, nays 3, Senator Gold, Ohrenstein and Waldon recorded in the negative.

ACTING PRESIDENT PADAVAN: The resolution is adopted.

SENATOR DALY: Mr. President.

ACTING PRESIDENT PADAVAN: Senator Daly.

SENATOR DALY: May I have unanimous consent to be voted in the negative on Calendar Number 1267, Senate 1779A.

ACTING PRESIDENT PADAVAN: As noted, without objection.

Senator Maltese.

SENATOR MALTESE: Mr. President. On page number 10, on behalf of Senator Lack, I offer the following amendments to Calendar Number 528, Senate Print Number 2373A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT PADAVAN: So

ordered.

SENATOR MALTESE: And I wish to call up -- on behalf of Senator Wright, I wish to call up bill, Print Number 4108, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT PADAVAN: The Secretary will read.

THE SECRETARY: By Senator Wright, Senate Bill Number 4108, an act to amend the State Administrative Procedure Act.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT PADAVAN: The bill is before the house.

SENATOR MALTESE: Mr. President, I now offer the following amendments.

ACTING PRESIDENT PADAVAN:

Amendments are received.

Senator Mega.

SENATOR MEGA: Mr. President, on behalf of Senator Farley, Mr. President, I wish to call up his bill Senate Print 2726A, recalled from the Assembly, which is now at the desk.

THE SECRETARY: By Senator Farley, Senate Bill Number 2726A, an act to amend the Banking Law.

SENATOR MEGA: Now move to reconsider the vote by which his bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT PADAVAN: The bill is before the house.

SENATOR MEGA: Now offer up the following amendments.

ACTING PRESIDENT PADAVAN: Amendments received.

SENATOR MEGA: Mr. President, on behalf of Senator Larkin, I wish to call up his bill, Senate Print 4329, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT PADAVAN: The Secretary will read.

THE SECRETARY: By Senator Larkin, Senate Bill Number 4329, authorizing the transfer of retirement service credit for Joseph sabo.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT PADAVAN: The bill is before the house.

SENATOR MEGA: I now offer up the following amendments.

ACTING PRESIDENT PADAVAN:

Amendments are received. The bill will retain its place.

Senator Present.

SENATOR PRESENT: Mr. President, if the housekeeping is done, I would like to announce that there will be a meeting of the Rules Committee at 1:30 p.m. in Room 332. We will stand at ease awaiting the report of the Rules Committee which will be for Monday's calendar. Upon receipt of the Rules report, we shall adjourn until Monday at 2:30 p.m.

And I now ask that the Senate stand at ease.

ACTING PRESIDENT PADAVAN: Senate will stand at ease subject to the Rules Committee reports.

(Whereupon, at 12:54 p.m., Senate was at ease.)

(Whereupon, at 3:33 p.m., Senate reconvened with Senator Volker in the chair.)

SENATOR VOLKER: Senate will come to order.

Senator Present.

SENATOR PRESENT: Mr. President. Will you recognize Senator Hannon, please.

ACTING PRESIDENT VOLKER: Senator Hannon.

SENATOR HANNON: Mr. President, on page 20, I offer the following amendments to Calendar Number 870. That would be Senate Print 4900A. And I would ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT VOLKER: Amendments received and adopted.

Senator Hannon.

SENATOR HANNON: Mr. President. I also ask that on page 19, I offer the following amendment to Calendar Number 869, Senate Print 4898A, and I would ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT VOLKER: Amendments received and adopted.

Senator Hannon.

SENATOR HANNON: On page 21, Mr. President, I offer the following amendments to

Calendar Number 871, Senate Print 4930A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT VOLKER: Amendment is received and documented.

Senator Present.

SENATOR PRESENT: Mr. President, would you bear with me, I have a number of motions to make.

ACTING PRESIDENT VOLKER: Why certainly, Senator.

SENATOR PRESENT: On behalf of Senator Stafford, I would like to call up his bill, Print Number 4963, recalled from the Assembly now at the desk.

ACTING PRESIDENT VOLKER: Clerk will read.

THE SECRETARY: By Senator Stafford, Senate Bill Number 4963, an act to authorize the conveyance of certain state lands to the Malone Central School District.

SENATOR PRESENT: Mr. President. I now move to reconsider the vote by which this

bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT VOLKER: The bill is before the house.

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

ACTING PRESIDENT VOLKER: The amendments are received and adopted.

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Bruno, on page 4, I offer the following amendments to Calendar 102, Print 2354A, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT VOLKER: Amendments are received and adopted.

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Levy, on page 12, I offer

the following amendments to Calendar 636, Senate pRINT 183, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT VOLKER: Amendments are received and adopted.

SENATOR PRESENT: Mr. President, on behalf of Senator Levy, I offer the following amendments, on page 39, to Calendar 727, Print 4887, and I ask that it retain it place on the Third Reading Calendar.

ACTING PRESIDENT VOLKER: Amendments are received and adopted.

SENATOR PRESENT: Mr. President, on behalf of Senator Spano, on page 11, I offer the following amendments to Calendar 598, Senate Print 1014B, and ask that it retain its place.

ACTING PRESIDENT VOLKER: Amendments are received and adopted.

SENATOR PRESENT: Mr. President, on page 38, I offer the following amendments on behalf of Senator Stafford on Calendar Number 682, Senate Print 2399A, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT VOLKER: Amendments are received and adopted.

Senator Present.

SENATOR PRESENT: Mr. President, may we return to reports of standing committees please.

ACTING PRESIDENT VOLKER: Clerk will read.

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

Senate Bill Number 54A, by Senator Holland, an act to amend the Insurance Law.

723A, by Senator Tully, amends Chapter 629 of the Laws of 1986.

2121, by Senator Johnson, Real Property Tax Law.

2579, by Senator Mendez, to permit Robin L. Lieberman to revoke a previous election of death benefit.

3435, by Senator Markowitz, authorize the city of New York to reconvey its

interest in certain real property.

3463, by Senator Trunzo, Real Property Tax Law.

3510, by Senator Johnson, Tax Law, and the Economic Development Law.

4023B, by Senator Velella, Real Property Tax Law.

4177, by Senator Cook, retroactive membership in the retirement benefits.

4303, by Senator Connor, authorizing the city of New York to reconvey its interest in certain real property.

4446, by Senator Goodman, to determine the date of birth of Elaine Budoff.

4473A, by Senator Libous, Social Services Law.

4601A, by Senator Bruno, Economic Development Law.

4613, by Senator Cook, providing retirement credit for John Maston.

4335, by Senator Levy, an act to amend the Vehicle and Traffic Law.

4782A, by Senator Bruno, State Finance Law.

5136A, by Senator Farley, Banking Law.

5206, by Senator Hannon, Real Property Actions and Proceedings.

5360, by Senator Marchi, Real Property Tax Law.

5388B, by Senator Trunzo, Executive Law.

5854A, by the Committee on Rules, General Business Law.

5907, by Senator Pataki, Environmental Conservation Law.

5910, by Senator Spano, Social Services Law.

5922, by Senator Volker, Public Authorities Law.

5924, by Senator Maltese, Vehicle and Traffic Law.

5933, by Senator Daly, relating to the disposition of surplus monies.

5947, by Senator Johnson, Public

Health Law.

5951, by the Committee on Rules, Administrative Code of the city of New York.

5952A, by Senator Daly, Environmental Conservation Law.

5953, by the Committee on Rules, Administrative Code of the city of New York.

5963, by the Committee on Rules, Administrative Code of the city of New York reported with amendments.

5966, by Senator Pataki, to allow Eileen D. Moore retroactive membership with Tier II.

And 5993, by Senator Stafford, an act to amend the State Finance Law, in relation interest on bonds to be paid more frequently.

All bills reported directly for third reading.

ACTING PRESIDENT VOLKER: Without objection, third reading.

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move we

adjourn until Monday, June 28, at 2:30 p.m., intervening days to be legislative days.

ACTING PRESIDENT VOLKER: Senate is adjourned until Monday, June 28, at the regular hour, intervening days are legislative days.

(Whereupon at 3:44 p.m., Senate adjourned.)