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ALBANY, NEW YORK

June 28, 1993

3:36 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. The Senators will please
4 find their seats.

5 Please rise with me for the
6 Pledge of Allegiance to the Flag.

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

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

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

14 Secretary will begin by reading
15 the Journal.

16 THE SECRETARY: In Senate,
17 Sunday, June 27, 1993. The Senate met pursuant
18 to adjournment. Senator Bruno in the chair upon
19 designation of the Temporary President. The
20 journal of Saturday, June 26, was read and
21 approved. On motion, Senate adjourned.

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

1 read.

2 The order of business.

3 Presentation of petitions.

4 Messages from the Assembly.

5 Messages from the Governor.

6 Reports of standing committees.

7 We have a report of a standing
8 committee. Secretary will read it.

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

12 Senate Bill Number 218, by
13 Senator Farley, Alcoholic Beverage Control Law.
14 768A, by Senator Tully, New York
15 State Medical Care Facilities Finance Agency
16 Act.

17 1008A, by Senator Spano,
18 Insurance Law.

19 1064, by Senator Present, an act
20 to amend the Tax Law.

21 1092, by Senator Daly,
22 Environmental Conservation Law.

23 1109A, by Senator Johnson,

1 Environmental Conservation Law.

2 1769, by Senator Waldon,
3 authorizing the city of New York to reconvey its
4 interest in certain real property.

5 1924, by Senator Farley, to
6 authorize Harold K. Warner credit for prior
7 service in the employees retirement system.

8 2138, by Senator Saland, Real
9 Property Tax Law.

10 2529A, by Senator Goodman, an act
11 to amend the Vehicle and Traffic Law.

12 2623A, by Senator Skelos, an act
13 to amend the Tax Law.

14 3039A, by Senator Espada,
15 authorize the city of New York to reconvey
16 certain real property.

17 3335, by Senator Tully, Insurance
18 Law.

19 3587, by Senator Holland, Social
20 Services Law.

21 4111B, by Senators Farley and
22 Pataki, an act to amend the Banking Law.

23 4134A, by Senator Larkin, Real

1 Property Tax Law.
2 4136, by Senator DeFrancisco, an
3 act to amend the Tax Law.
4 4407, by Senator Hannon, Real
5 Property Law.
6 4510, by Senator Maltese, an act
7 to amend the Correction Law.
8 4661A, by Senator Saland, Social
9 Services Law.
10 4708A, by Senator Trunzo,
11 Education Law.
12 And 4722, by Senator Mega,
13 Eminent Domain Procedure Law.
14 Also 4754, by Senator Cook,
15 permanent competitive civil service status.
16 4767A, by Senator Tully, General
17 Business Law.
18 4944, by Senator Volker, Civil
19 Rights Law.
20 5149, by Senator Maltese,
21 Correction Law.
22 5156, by Senator Volker, Criminal
23 Procedure Law.

1 5256, by Senator Daly and
2 Masiello, Private Housing Finance Law.
3 5262, by Senator Lack, amends
4 Chapter 698 of the Laws of 1988.
5 5271A, by Senator Tully,
6 extension of the statute of limitations.
7 5275C, by Senator Daly, Public
8 Health Law.
9 5297A, by Senator Tully,
10 Insurance Law.
11 5303, by Senator Velella,
12 Insurance Law.
13 5339A, by Senator Johnson,, State
14 Finance Law.
15 5405A, by Senator Mega, Civil
16 Service Law.
17 5576A, by Senator Pataki, Mental
18 Hygiene Law.
19 5689, by Senator Ohrenstein,
20 authorizing the city of New York to reconvey its
21 interest in certain real property.
22 5886A, by Senator Lack, Workers'
23 Compensation Law.

1 5958A, by Senator Volker,
2 temporarily exempt from medical licensure
3 requirements.

4 5927, by Senator Daly, Executive
5 Law.

6 5930, by Senator Galiber,
7 authorizing the city of New York to reconvey its
8 interest in certain real property.

9 5944, by Senator Wright, Real
10 Property Tax Law.

11 5946, by Senator Holland, amends
12 Chapter 333 of the Laws of 1989.

13 5954A, by the Committee on Rules,
14 Administrative Code of the city of New York.

15 5970, by Senator Levy, Education
16 Law.

17 5975, by Senator Holland, amends
18 Chapter 710 of the Laws of 1988.

19 5977, by Senator Maltese, an act
20 to amend the Penal Law.

21 5980, by Senator Skelos,
22 Executive Law.

23 5988, by Senator Lack, amends

1 Chapter 666 of Laws of 1990.
2 5989, by Senator Larkin, amends
3 Chapter 680 of the Laws of 1976.
4 5992, by Senator Tully, Civil
5 Practice Law and Rules.
6 Senate Bill Number 6000, by the
7 Committee on Rules, Civil Service Law.
8 6020, by the Committee on Rules,
9 authorize payment of transportation aid to
10 certain school districts.
11 6042, by Senator Larkin,
12 Education Law.
13 And 6045, by Senator Cook, Public
14 Health Law.
15 All bills reported directly for
16 third reading.
17 (Whereupon, Lieutenant Governor
18 Lundine was in the chair.)
19 THE PRESIDENT: Without objection
20 third reading.
21 Senator Mega.
22 SENATOR MEGA: Mr. President, on
23 behalf of Senator Levy, on page 42, could you

1 remove a sponsor star from Calendar Number 727,
2 Senate Print Number 4887B.

3 THE PRESIDENT: So ordered.

4 SENATOR MEGA: On behalf of
5 Senator Skelos, could you please remove a
6 sponsor star from Calendar Number 1068.

7 THE PRESIDENT: So ordered.

8 SENATOR MEGA: On behalf of
9 Senator Spano, Mr. President, on page 35, I
10 offer the following amendments to Calendar
11 Number 1343, Senate Print Number 5910, and ask
12 that said bill retain its place on Third Reading
13 Calendar.

14 THE PRESIDENT: So ordered.

15 SENATOR MEGA: Mr. President, I
16 wish to call up Senator Sears' bill, Print
17 Number 4215A, recalled from the Assembly which
18 is now at the desk.

19 THE PRESIDENT: The Secretary
20 will read.

21 THE SECRETARY: By Senator Sears,
22 Senate Bill Number 4215A, an act to amend the
23 Tax Law, in relation to allowing the reduction

1 for gross income.

2 SENATOR MEGA: Now move to
3 reconsider the vote by which this bill was
4 passed.

5 THE PRESIDENT: The Secretary
6 will call the roll on reconsideration.

7 (The Secretary called the roll on
8 reconsideration.)

9 THE SECRETARY: Ayes 40.

10 THE PRESIDENT: The bill is
11 before the house.

12 SENATOR MEGA: Now that the bill
13 is restored to its place on Third Reading
14 Calendar, Mr. President, I offer up the
15 following amendments.

16 THE PRESIDENT: Amendments
17 received.

18 SENATOR MEGA: Mr. President, on
19 behalf of Senator Stafford, I wish to call up
20 his bill, Senate Print Number 441, recalled from
21 the Assembly, which is now at the desk.

22 THE PRESIDENT: Secretary will
23 read.

1 THE SECRETARY: By Senator
2 Stafford, Senate Bill Number 441, an act to
3 amend the Tax Law.

4 SENATOR MEGA: Now move to
5 reconsider the vote by which the bill was
6 passed.

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

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

11 THE SECRETARY: Ayes 40.

12 THE PRESIDENT: The bill is
13 before the house.

14 SENATOR MEGA: Now that the bill
15 is restored to its place on Third Reading
16 Calendar, Mr. President, I offer up the
17 following amendments.

18 THE PRESIDENT: Amendments
19 received.

20 Secretary will read.

21 THE SECRETARY: On page 7 of
22 today's calendar, Senator Volker moves to
23 discharge the Committee on Rules from Assembly

1 Bill Number 7746 and substitute it for the
2 identical Third Reading 241.

3 On page 16, Senator Saland moves
4 to discharge the Committee on Rules from
5 Assembly Bill Number 6345B, and substitute it
6 for the identical Calendar 788.

7 On page 21, Senator Farley moves
8 to discharge the Committee on Rules from
9 Assembly Bill Number 6361A and substitute it for
10 the identical Third Reading 885.

11 On page 24, Senator Volker moves
12 to discharge the Committee on Rules from
13 Assembly Bill Number 7848A and substitute it for
14 the identical Third Reading 1041.

15 On page 25, Senator Velella moves
16 to discharge the Committee on Rules from
17 Assembly Bill Number 8245A and substitute it for
18 the identical Third Reading 1091.

19 On page 28, Senator Kuhl moves to
20 discharge the Committee on Rules from Assembly
21 Bill Number 49-3A and substitute it for the
22 identical Third Reading 1200.

23 On page 32, Senator Johnson moves

1 to discharge the Committee on Rules from
2 Assembly Bill Number 8371 and substitute it for
3 the identical Third Reading 1316.

4 On page 33, Senator Velella moves
5 to discharge the Committee on Rules from
6 Assembly Bill Number 6380B and substitute it for
7 the identical Third Reading 1328.

8 On page 34, Senator Farley moves
9 to discharge the Committee on Rules from
10 Assembly Bill Number 2424A and substitute it for
11 the identical Third Reading 1337.

12 On page 35, Senator Marchi moves
13 to discharge the Committee on Rules from
14 Assembly Bill Number 7832 and substitute it for
15 the identical Third Reading 1339.

16 On page 35, Senator Pataki moves
17 to discharge the Committee on Rules from
18 Assembly Bill Number 8119 and substitute it for
19 the identical Third Reading 1342.

20 On page 37, Senator Stafford
21 moves to discharge the Committee on Rules from
22 Assembly Bill Number 8636 and substitute it for
23 the identical Third Reading 1353.

1 THE PRESIDENT: Substitutions
2 ordered.

3 Senator Present.

4 SENATOR PRESENT: Mr. President,
5 I believe Senator Goodman has a privileged
6 resolution at the desk. May we have the title
7 read.

8 THE PRESIDENT: Secretary will
9 read.

10 THE SECRETARY: By Senator
11 Goodman, Legislative Resolution, honoring the
12 life of Elizabeth Chapin.

13 THE PRESIDENT: On the
14 resolution, all those in favor say aye.

15 (Response of "Aye.")

16 Opposed nay.

17 (There was no response.)

18 The ayes have it. The resolution
19 is adopted.

20 Senator Present.

21 SENATOR PRESENT: Mr. President,
22 on April 23rd, we passed a resolution, 1076. May
23 I have the clerk read it.

1 THE PRESIDENT: The Secretary
2 will read.

3 THE SECRETARY: Legislative
4 Resolution Number 1076, by Senator Hoffmann,
5 commending Chris Campbell of Fayetteville, New
6 York, winner of the Bronze Medal in wrestling in
7 the 1992 Olympic Games in Barcelona, Spain.

8 Whereas, it is the sense of this
9 legislative body to acknowledge the athletes of
10 this great Empire State who distinguish
11 themselves through outstanding performances and
12 exemplary athletic achievements.

13 Chris Campbell, a 37-year-old
14 resident of Fayetteville, New York, garnered a
15 coveted Bronze Medal in wrestling from the 1992
16 Olympic Games in Barcelona, Spain, bringing him
17 Olympic fame and igniting the just pride and
18 elation of family, friends and supporters.

19 After a 7-0 loss to Russia world
20 Champion Makharbek Khadavtsev, Chris Campbell
21 rallied to win four in a row including a win
22 over Akira Ota of Japan, two time defending
23 Olympic Silver Medalist.

1 Chris Campbell now stands
2 preeminent in the sport of wrestling having
3 demonstrated to the world and to himself the
4 ability and determination to achieve his
5 personal best and become that which he was
6 capable of being, setting also a sterling
7 example of dedication and commitment which will
8 serve to inspire generations of young athletes.

9 The Syracuse community stands
10 ready to welcome home its Olympic hero, as
11 supportive of him now as in the past and justly
12 proud of his accomplishments as a Bronze
13 Medalist as a representative of the United
14 States team and as a neighbor who has honorably
15 represented himself, his community and family.

16 Now, therefore, be it resolved,
17 that this legislative body pause in its
18 deliberations to celebrate the achievements of
19 Chris Campbell of Fayetteville, New York, on the
20 distinguished occasion of his capture of a
21 Bronze Medal in 1992 Olympic Games in Barcelona,
22 Spain, and

23 Be it further resolved, that a

1 copy of this resolution, suitably engrossed, be
2 transmitted to Chris Campbell.

3 THE PRESIDENT: On the
4 resolution.

5 SENATOR PRESENT: Mr. President.

6 THE PRESIDENT: Senator Present.

7 SENATOR PRESENT: Recognize
8 Senator Hoffmann. She has a few words to say.

9 Thank you.

10 THE PRESIDENT: Senator Hoffmann.

11 SENATOR HOFFMANN: Thank you very
12 much, Mr. President, and thank you, Senator
13 Present, for making it possible for the
14 resolution to be read today.

15 On the date on which it was
16 originally presented before us, the Campbell
17 family was unable to join us, and we are very
18 fortunate to have them with us in the chambers
19 today, and I invite all of my colleagues to take
20 a moment to meet this very outstanding American
21 and his family and his manager, who is his wife,
22 in the lobby outside the chamber immediately
23 following the passage of this resolution.

1 THE PRESIDENT: On the
2 resolution. All those in favor, say aye.
3 (Response of "Aye.")
4 Opposed, nay.
5 (There was no response.)
6 The ayes have it. The resolution
7 is adopted.

8 THE PRESIDENT: On behalf of the
9 state Senate and the entire state of New York,
10 Mr. Campbell, our congratulations and our
11 welcome and good wishes.

12 (Applause)
13 Senator Present.

14 SENATOR PRESENT: Mr. President,
15 I think we're ready for the non-controversial
16 calendar.

17 THE PRESIDENT: Secretary will
18 read.

19 THE SECRETARY: On page 4,
20 Calendar Number 146, by Senator Padavan, Senate
21 Bill Number 2135B, an act to amend the Vehicle
22 and Traffic Law, in relation to the penalty for
23 failure to yield the right of way.

1 THE PRESIDENT: Read the last
2 section.

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

5 THE PRESIDENT: Call the roll.
6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 47, nays 1,
8 Senator Holland recorded in the negative.

9 THE PRESIDENT: The bill is
10 passed.

11 THE SECRETARY: Calendar Number
12 178, by Senator Sears.

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

15 THE PRESIDENT: The bill is laid
16 aside for the day.

17 THE SECRETARY: Calendar Number
18 395, by Senator Kuhl, Senate Bill Number 3414B,
19 an act to amend the Agriculture and Markets Law.

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

22 THE PRESIDENT: The bill is laid
23 aside for the day.

1 THE SECRETARY: Calendar Number
2 489, by Senator Farley, Senate Bill Number
3 2756A, an act to amend the Not-for-Profit
4 Corporation Law and the Public Health Law.

5 THE PRESIDENT: Read the last
6 section.

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

9 THE PRESIDENT: Call the roll.
10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 48.

12 THE PRESIDENT: The bill is
13 passed.

14 THE SECRETARY: Calendar Number
15 776, by Senator Montgomery, Senate Bill Number
16 4129B, an act to amend the Labor Law.

17 THE PRESIDENT: Read the last
18 section.

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

21 THE PRESIDENT: Call the roll.
22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 48.

1 THE PRESIDENT: The bill is
2 passed.

3 THE SECRETARY: Calendar Number
4 788, substituted earlier today, by member of the
5 Assembly Lopez, Assembly Bill Number 6345B,
6 Social Services Law.

7 THE PRESIDENT: Read the last
8 section.

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

11 THE PRESIDENT: Call the roll.
12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 48.

14 THE PRESIDENT: The bill is
15 passed.

16 THE SECRETARY: Calendar Number
17 846, by Senator DeFrancisco.

18 SENATOR PRESENT: Lay it aside
19 for the day.

20 THE PRESIDENT: The bill is laid
21 aside for the day.

22 THE SECRETARY: Calendar Number
23 856, by the Assembly Committee on Rules,

1 Assembly Bill Number 8201, an act to amend the
2 Civil Practice Law and Rules.

3 THE PRESIDENT: Read the last
4 section.

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

7 THE PRESIDENT: Call the roll.
8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 48.

10 THE PRESIDENT: The bill is
11 passed.

12 THE SECRETARY: Calendar Number
13 924, by Senator Libous, Senate Bill Number
14 5439C, an act to amend the Vehicle and Traffic
15 Law, in relation to design specifications.

16 THE PRESIDENT: Read the last
17 section.

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

20 THE PRESIDENT: Call the roll.
21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 48.

23 THE PRESIDENT: The bill is

1 passed.

2 THE SECRETARY: Calendar Number
3 958, by Senator Padavan, Senate Bill Number
4 5572A, an act to amend the General City Law and
5 Chapter 772 of the Laws of 1966.

6 THE PRESIDENT: Read the last
7 section.

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

10 THE PRESIDENT: Call the roll.
11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 48.

13 THE PRESIDENT: The bill is
14 passed.

15 THE SECRETARY: Calendar Number
16 1041, substituted earlier today, by the Assembly
17 Committee on Rules, Assembly Bill Number 7848A,
18 authorizing the city of Hamburg, county of Erie,
19 to discontinue the use and sell certain park
20 lands.

21 THE PRESIDENT: There is a home
22 rule message at the desk.

23 Read the last section.

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

3 THE PRESIDENT: Call the roll.
4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 48.

6 THE PRESIDENT: The bill is
7 passed.

8 THE SECRETARY: Calendar Number
9 1074, by Senator Spano, Senate Bill Number
10 3185A, Retirement and Social Security Law.

11 THE PRESIDENT: Read the last
12 section.

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

15 THE PRESIDENT: Call the roll.
16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 49.

18 THE PRESIDENT: The bill is
19 passed.

20 THE SECRETARY: Calendar Number
21 1075, by Senator Spano, Senate Bill Number
22 3276A, Retirement and Social Security Law.

23 THE PRESIDENT: Read the last

1 section.

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

4 THE PRESIDENT: Call the roll.
5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 49.

7 THE PRESIDENT: The bill is
8 passed.

9 THE SECRETARY: Calendar Number
10 1091, substituted earlier today, by the Assembly
11 Committee on Rules, Assembly Bill Number 8245A,
12 an act to amend the Insurance Law.

13 THE PRESIDENT: Read the last
14 section.

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

17 THE PRESIDENT: Call the roll.
18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 49.

20 THE PRESIDENT: The bill is
21 passed.

22 THE SECRETARY: Calendar Number
23 1115, by Senator Maltese, Senate Bill Number

1 3265A, an act to amend the Social Services Law.

2 THE PRESIDENT: Read the last
3 section.

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

6 THE PRESIDENT: Call the roll.
7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 49.

9 THE PRESIDENT: The bill is
10 passed.

11 THE SECRETARY: Calendar Number
12 1117, by Senator Volker, Senate Bill Number
13 3576B, Retirement and Social Security Law.

14 THE PRESIDENT: Read the last
15 section.

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

18 THE PRESIDENT: Call the roll.
19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 49.

21 THE PRESIDENT: The bill is
22 passed.

23 THE SECRETARY: Calendar Number

1 1140, by Senator Johnson, Senate Bill Number
2 5540A, an act to amend the Retirement and Social
3 Security Law.

4 THE PRESIDENT: Read the last
5 section.

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

8 THE PRESIDENT: Call the roll.
9 (The Secretary called the roll.)

10 SENATOR LEICHTER: Lay it aside.

11 THE PRESIDENT: The bill is laid
12 aside.

13 THE SECRETARY: Calendar Number
14 1158, by member of the Assembly Connelly.

15 SENATOR PRESENT: Lay it aside
16 for the day.

17 THE PRESIDENT: The bill is laid
18 aside for the day.

19 THE SECRETARY: Calendar Number
20 1164, by Senator Cook, Senate Bill Number 3028B,
21 an act to amend the General Municipal Law.

22 THE PRESIDENT: Read the last
23 section.

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

3 THE PRESIDENT: Call the roll.
4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 49.

6 THE PRESIDENT: The bill is
7 passed.

8 THE SECRETARY: Calendar Number
9 1188, by Senator Tully, Senate Bill Number
10 5602A, an act to amend the Public Health Law.

11 THE PRESIDENT: The bill is laid
12 aside. No, we're going to proceed with it.

13 THE SECRETARY: Calendar Number
14 1188, by Senator Tully, Public Health Law.

15 THE PRESIDENT: Read the last
16 section.

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

19 THE PRESIDENT: Call the roll.
20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 49.

22 THE PRESIDENT: Call the roll.
23 I'm sorry. The bill is passed. It's too early

1 for me to make that kind of mistake.

2 THE SECRETARY: Calendar Number
3 1232, by Senator Levy, Senate Bill Number 5684A,
4 an act to amend Chapter 268 of the Laws of 1989.

5 THE PRESIDENT: Read the last
6 section.

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

9 THE PRESIDENT: Call the roll.
10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 49.

12 THE PRESIDENT: The bill is
13 passed.

14 THE SECRETARY: Calendar Number
15 1251, by Senator Lack.

16 SENATOR PRESENT: Lay it aside
17 for the day. Lay aside 1260, also.

18 THE PRESIDENT: Both bills are
19 laid aside for the day, 1251 and 1260.

20 THE SECRETARY: Calendar Number
21 1262, by Senator Johnson, Senate Bill Number
22 5900, an act to amend the Environmental
23 Conservation Law.

1 SENATOR LEICHTER: Lay it aside.

2 THE PRESIDENT: The bill is laid
3 aside.

4 THE SECRETARY: Calendar Number
5 1263, by Senator Johnson, Senate Bill Number
6 5929, Environmental Conservation Law.

7 SENATOR LEICHTER: Lay it aside.

8 THE PRESIDENT: The bill is laid
9 aside.

10 THE SECRETARY: Calendar Number
11 1308, by Senator LaValle.

12 SENATOR LAVALLE: Lay it aside
13 for the day, please.

14 THE PRESIDENT: Lay it aside for
15 the day.

16 THE SECRETARY: Calendar Number
17 1316, substituted earlier.

18 SENATOR GOLD: Lay it aside for
19 the day.

20 THE PRESIDENT: The bill is laid
21 aside for the day. Wait, I'm sorry.

22 SENATOR PRESENT: Lay it aside.

23 THE PRESIDENT: The bill is laid

1 aside.

2 THE SECRETARY: Calendar Number
3 1321, by Senator Holland, Senate Bill Number
4 54A, an act to amend the Insurance Law.

5 SENATOR GOLD: Lay it aside.

6 THE PRESIDENT: The bill is laid
7 aside.

8 THE SECRETARY: Calendar Number
9 1322, by Senator Tully, Senate Bill Number 723A,
10 amends Chapter 629 of the Laws of 1986.

11 THE PRESIDENT: Read the last
12 section.

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

15 THE PRESIDENT: Call the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 49.

18 THE PRESIDENT: The bill is
19 passed.

20 THE SECRETARY: Calendar Number
21 1323, by Senator Johnson, Senate Bill Number
22 2121A, an act to amend the Real Property Tax
23 Law.

1 SENATOR LEICHTER: Lay it aside.

2 THE PRESIDENT: The bill is laid
3 aside.

4 THE SECRETARY: Calendar Number
5 1326, by Senator Trunzo.

6 SENATOR TRUNZO: Lay it aside for
7 the day.

8 THE PRESIDENT: The bill is laid
9 aside for the day.

10 THE SECRETARY: Calendar Number
11 1327, by Senator Johnson, Senate Bill Number
12 3510, an act to amend the Tax Law and the
13 Economic Development Law.

14 THE PRESIDENT: Read the last
15 section.

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

18 THE PRESIDENT: Call the roll.
19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 49.

21 THE PRESIDENT: The bill is
22 passed.

23 THE SECRETARY: Calendar Number

1 1328, substituted earlier today, by member of
2 the Assembly Hochberg, Assembly Bill Number
3 6380B, Real Property Tax Law.

4 THE PRESIDENT: Read the last
5 section.

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

8 THE PRESIDENT: Call the roll.
9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 49.

11 THE PRESIDENT: The bill is
12 passed.

13 THE SECRETARY: Calendar Number
14 1331, by Senator Goodman.

15 SENATOR PRESENT: Lay it aside
16 for the day.

17 THE PRESIDENT: The bill is laid
18 aside for the day.

19 THE SECRETARY: Calendar Number
20 1332, by Senator Libous, Senate Bill Number
21 4473A, an act to amend the Social Services Law.

22 THE PRESIDENT: Read the last
23 section.

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

3 THE PRESIDENT: Call the roll.
4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 49.

6 THE PRESIDENT: The bill is
7 passed.

8 THE SECRETARY: Calendar Number
9 1333, by Senator Bruno.

10 SENATOR PRESENT: Lay it aside
11 for the day.

12 THE PRESIDENT: The bill is laid
13 aside for the day.

14 THE SECRETARY: Calendar Number
15 1334, by Senator Cook, Senate Bill Number 4613,
16 providing retirement credit for John Masten.

17 THE PRESIDENT: Read the last
18 section.

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

21 THE PRESIDENT: Call the roll.
22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 46, nays 3.

1 Senators Galiber, Gold and Leichter recorded in
2 the negative.

3 THE PRESIDENT: The bill is
4 passed.

5 THE SECRETARY: Calendar Number
6 1335, by Senator Levy, Senate Bill Number 4635.

7 SENATOR DOLLINGER: Lay it aside.

8 THE PRESIDENT: The bill is laid
9 aside.

10 THE SECRETARY: Calendar Number
11 1336, by Senator Bruno, Senate Bill Number
12 4782A, an act to amend the State Finance Law.

13 THE PRESIDENT: Read the last
14 section.

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

17 THE PRESIDENT: Call the roll.

18 SENATOR LEICHTER: Lay it aside.

19 THE PRESIDENT: The bill is laid
20 aside.

21 THE SECRETARY: Calendar Number
22 1337, substituted earlier today, by member of
23 the Assembly Farrell, Assembly Bill Number

1 2424A, an act to amend the Banking Law.

2 THE PRESIDENT: Read the last
3 section.

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

6 THE PRESIDENT: Call the roll.
7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 51.

9 THE PRESIDENT: The bill is
10 passed.

11 THE SECRETARY: Calendar Number
12 1338, by Senator Hannon.

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

15 THE PRESIDENT: The bill is laid
16 aside for the day.

17 THE SECRETARY: Calendar Number
18 1339, substituted earlier today, by the Assembly
19 Committee on Rules, Assembly Bill Number 7832,
20 Real Property Tax Law.

21 SENATOR LEICHTER: Lay it aside.

22 THE PRESIDENT: The bill is laid
23 aside.

1 THE SECRETARY: Calendar Number
2 1340, by Senator Trunzo, Senate Bill Number
3 5388B, an act to amend the Executive Law.

4 THE PRESIDENT: Read the last
5 section.

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

8 THE PRESIDENT: Call the roll.
9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 51.

11 THE PRESIDENT: The bill is
12 passed.

13 THE SECRETARY: Calendar Number
14 1341, by the Senate Committee -

15 SENATOR GOLD: Lay it aside for
16 the day, please.

17 THE PRESIDENT: The bill is laid
18 aside.

19 SENATOR PRESENT: Lay it aside.

20 THE PRESIDENT: The bill is laid
21 aside.

22 THE SECRETARY: Calendar Number
23 1342, substituted earlier today, by the Assembly

1 Committee on Rules, Assembly Bill Number 8119,
2 Environmental Conservation Law.

3 THE PRESIDENT: Read the last
4 section.

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

7 THE PRESIDENT: Call the roll.
8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 51.

10 THE PRESIDENT: The bill is
11 passed.

12 THE SECRETARY: Calendar Number
13 1344, by Senator Volker, Senate Bill Number
14 5922, an act to amend the Public Authorities
15 Law.

16 SENATOR GOLD: Lay it aside for
17 the day.

18 THE PRESIDENT: The bill is laid
19 aside.

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

22 THE SECRETARY: Calendar Number
23 1345, by Senator Maltese, Senate Bill Number

1 5924, an act to amend the Vehicle and Traffic
2 Law.

3 THE PRESIDENT: Read the last
4 section.

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

7 THE PRESIDENT: Call the roll.
8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 51.

10 THE PRESIDENT: The bill is
11 passed.

12 THE SECRETARY: Calendar Number
13 1346, by Senator Daly, Senate Bill Number 5933,
14 relating to the disposition of surplus monies.

15 THE PRESIDENT: Read the last
16 section.

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

19 THE PRESIDENT: Call the roll.
20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 51.

22 THE PRESIDENT: The bill is
23 passed.

1 THE SECRETARY: Calendar Number
2 1347, by Senator Johnson, Senate Bill Number -

3 SENATOR GOLD: Lay it aside for
4 the day.

5 THE PRESIDENT: The bill is laid
6 aside.

7 THE SECRETARY: Calendar Number
8 1349, by Senator Daly, Senate Bill Number 5952A,
9 Environmental Conservation Law.

10 THE PRESIDENT: Read the last
11 section.

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

14 THE PRESIDENT: Call the roll.
15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 51.

17 THE PRESIDENT: The bill is
18 passed.

19 THE SECRETARY: Calendar Number
20 1350, by the Senate Committee on Rules, Senate
21 Bill Number 5953, Administrative Code of the
22 city of New York.

23 THE PRESIDENT: Read the last

1 section.

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

4 THE PRESIDENT: Call the roll.
5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 51.

7 THE PRESIDENT: The bill is
8 passed.

9 THE SECRETARY: Calendar Number
10 1352, by Senator Pataki, to allow Eileen D.
11 Moore to file a request for retroactive
12 membership with Tier II.

13 THE PRESIDENT: Read the last
14 section.

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

17 THE PRESIDENT: Call the roll.
18 (The Secretary called the roll.)

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

22 THE PRESIDENT: The bill is
23 passed.

1 THE SECRETARY: Calendar Number
2 1353, substituted earlier today, by the Assembly
3 Committee on Rules, Assembly Bill Number 8636,
4 an act to amend the State Finance Law.

5 THE PRESIDENT: Read the last
6 section.

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

9 THE PRESIDENT: Call the roll.
10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 51.

12 THE PRESIDENT: The bill is
13 passed.

14 That completes action on the
15 non-controversial bills.

16 Senator Present.

17 SENATOR PRESENT: Mr. President,
18 can we return to motions, please?

19 THE PRESIDENT: Yes.

20 SENATOR PRESENT: Mr. President,
21 on page 30, I offer the following amendments to
22 Calendar 1260, Senate Print 5853, and ask that
23 it retain its place on the Third Reading

1 Calendar.

2 THE PRESIDENT: So ordered.

3 SENATOR PRESENT: Mr. President,
4 can we take up the controversial calendar,
5 please.

6 THE PRESIDENT: Controversial
7 calendar. Secretary will read.

8 THE SECRETARY: On page 26,
9 Calendar Number 1140, by Senator Johnson, Senate
10 Bill Number 5540A, an act to amend the
11 Retirement and Social Security Law, in relation
12 to prior service credit.

13 THE PRESIDENT: Read the last
14 section.

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

17 THE PRESIDENT: Call the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 51.

20 THE PRESIDENT: The bill is
21 passed.

22 THE SECRETARY: On page 30,
23 Calendar Number 1262, by Senator Johnson, Senate

1 Bill Number 5900, an act to amend the
2 Environmental Conservation Law.

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

5 THE PRESIDENT: The bill is laid
6 aside for the day.

7 THE SECRETARY: Calendar Number
8 1263, by Senator Johnson, Senate Bill Number
9 5929, Environmental Conservation Law.

10 SENATOR GOLD: Can we have a day
11 on this one?

12 SENATOR PRESENT: Lay it aside
13 temporarily.

14 THE PRESIDENT: The bill is laid
15 aside.

16 I would like to ask for order in
17 the chamber.

18 Thank you.

19 THE SECRETARY: Calendar Number
20 1316, substituted earlier today.

21 SENATOR GOLD: Lay it aside for
22 the day, please.

23 SENATOR PRESENT: Lay it aside

1 temporarily.

2 THE PRESIDENT: The bill is laid
3 aside.

4 THE SECRETARY: Calendar Number
5 1321, by Senator Holland, Senate Bill Number
6 54A, an act to amend the Insurance Law.

7 SENATOR SOLOMON: Explanation.

8 THE PRESIDENT: Explanation is
9 requested.

10 Senator Holland. This is
11 Calendar Number 1321. An explanation had been
12 requested.

13 SENATOR HOLLAND: Okay. Mr.
14 President, the high cost of employee health
15 insurance packages have prevented many New York
16 employers, especially small firms, from offering
17 such plans to their employees.

18 As increasing concerns have
19 focused on the number of working uninsured in
20 this state, small businesses have received much
21 attention in an effort to broaden access to
22 health coverage. A 1989 survey conducted by the
23 National Federation of Independent Businesses

1 entitled... whatever, found that over 72 percent
2 of respondents cited that their business
3 profitability prevented them from providing
4 health benefits to their employees.

5 And the purpose of this bill is
6 to create a health insurance policy which
7 provides basic coverage at affordable rates to
8 small employers. This bill would allow group
9 health policies issued under this act to be
10 exempt from certain state mandated coverages and
11 services. This bill will make health insurance
12 more affordable to small businesses and,
13 thereby, hopefully expand health care coverage
14 to the uninsured.

15 SENATOR SOLOMON: Mr. President.

16 THE PRESIDENT: Senator Solomon.

17 SENATOR SOLOMON: Yes. Will
18 Senator Holland yield, please?

19 SENATOR HOLLAND: Yes, sir.

20 SENATOR SOLOMON: Senator, I have
21 a couple of questions for you.

22 The mandates that this bill -
23 first of all, Senator, do you have any idea by

1 what percentage of cost group policy mandates
2 currently increase the cost of those policies
3 for today.

4 SENATOR HOLLAND: We're not sure.

5 SENATOR SOLOMON: Well, Senator,
6 I did some research on this. And several years
7 ago, it was estimated that about 19.7 percent of
8 a health insurance policy was attributed to the
9 cost of mandates in this state.

10 There is only one problem with
11 your legislation.

12 SENATOR HOLLAND: That's good.

13 SENATOR SOLOMON: To begin with.

14 Senator, your legislation
15 includes maternity coverage?

16 SENATOR HOLLAND: Yes.

17 SENATOR SOLOMON: Senator, your
18 legislation includes annual mammography
19 screening?

20 SENATOR HOLLAND: Yes.

21 SENATOR SOLOMON: Does your
22 legislation, Senator, include pre-admission
23 testing?

1 SENATOR HOLLAND: No. Do you
2 want me to read it to you?

3 SENATOR SOLOMON: No, I -

4 SENATOR HOLLAND: You'd rather do
5 it? Yes.

6 SENATOR SOLOMON: Okay. Senator,
7 what mandates does your legislation exclude?

8 SENATOR HOLLAND: Do you want me
9 to read them to you?

10 SENATOR SOLOMON: Yes.

11 SENATOR HOLLAND: Care by
12 psychologists and certified social workers, care
13 for alcohol and drug abuse, care for certain
14 licensed registered nurses, hospice care,
15 mammography screening.

16 SENATOR SOLOMON: It eliminates
17 mammography screening?

18 SENATOR HOLLAND: No, no. I'm
19 sorry. That's incorrect. Manong -- manon -
20 whatever, is covered. Okay.

21 Well, certain drugs -- I'm not
22 finished yet. Certain drugs used in cancer
23 treatment, coverage for conditions resulting in

1 infertility, cervical screening, care for
2 adopted infants, care for newborns from the
3 moment of birth.

4 SENATOR SOLOMON: Those are
5 covered or not covered?

6 SENATOR HOLLAND: Not covered.
7 They don't have to be covered. They can be
8 covered. Let me go back to your question about
9 the -

10 SENATOR SOLOMON: Which of the
11 services are not covered or that don't have to
12 be covered?

13 SENATOR HOLLAND: They can be
14 covered in the policy. They do not have to be
15 covered, the ones I just read to you.

16 SENATOR SOLOMON: Mammography
17 screening is one?

18 SENATOR HOLLAND: No, no, it is
19 covered.

20 SENATOR SOLOMON: I see. Okay.
21 Senator, another question on the bill.

22 You have a two-year provision in
23 this bill. There was a two-year provision in

1 Senator McHugh's bill, I should say. Is that
2 two-year provision in this bill?

3 SENATOR HOLLAND: Two-year
4 provision for what?

5 SENATOR SOLOMON: Senator
6 McHugh's -

7 Let me rephrase the question.
8 Senator, if a company currently offers health
9 insurance to its employees and is a small group
10 company, could they offer this policy as soon as
11 this becomes law?

12 SENATOR HOLLAND: That's my
13 understanding, yes.

14 SENATOR SOLOMON: So they can, in
15 effect, offer a policy with a decrease in
16 benefits?

17 SENATOR HOLLAND: Yes, sir.

18 SENATOR SOLOMON: Okay.

19 SENATOR HOLLAND: The purpose of
20 the bill is to increase the number of people who
21 are covered. Now, I understand your direction
22 for the question. But if there are some people
23 who are dropped, our intent is to cover many

1 more people.

2 SENATOR SOLOMON: Uh-huh.

3 Senator, I believe I asked this. Do you have
4 any idea what the reduced cost of these policies
5 would be by the insurance companies?

6 SENATOR HOLLAND: You answered
7 that question, Senator, with your 19.72 percent.
8 I answered the question I didn't know. I have
9 heard 25 percent, but I am not sure.

10 It depends on what is included in
11 the policy.

12 SENATOR SOLOMON: The 19.7
13 percent, Senator, is the cost that was
14 attributed to mandates, but among those mandates
15 that made up the bulk of that -- the ones that
16 you are excluding in fact only accounted for one
17 percent of the reduction. So, in effect,
18 according to those statistics, there would be no
19 deduction.

20 Senator, a year and a half ago
21 the New York Times did an article.

22 Oh, on the bill. I will speak on
23 the bill.

1 We have a bill here which is
2 really a shell, and the reason that bill is a
3 shell is as follows.

4 (A) is, what it is going to do is
5 allow employers that currently offer small group
6 policies to reduce the benefits that people
7 currently have.

8 Senator McHugh's bill, which I
9 believe this was copied after, originally had a
10 two-year period where if you offered insurance
11 you would have to continue to offer that same
12 type of insurance. This bill allows employers to
13 offer insurance policies with less coverage upon
14 its passage if they're a small business.

15 In addition, the mandates that
16 this bill eliminates are not a major cost factor
17 to health insurance today. In fact, the major
18 mandate, the major cost of mandate coverage
19 happens to be maternity coverage which makes up
20 the highest cost of all the mandates in this
21 state, and that is included in this bill, so
22 it's not going to be any great savings.

23 The problem with this bill is it

1 increases deductible for employees from \$1200 to
2 \$2,000 a year, and it allows employers that
3 currently provide insurance to provide policies
4 that offer less coverage.

5 In addition, this is a great
6 cure-all offered by many people; but in an
7 article in the New York Times, a year and a half
8 ago, there were numerous states which offered
9 this. The problem with these policies are they
10 did not sell at all. They were not able to be
11 sold. The only people that are going to go to
12 these policies are employers that currently
13 offer insurance and they're going to see a
14 chance to offer their employees less benefits
15 and, therefore, they're going to switch to these
16 policies.

17 I think you've got a poorly
18 drafted bill. You're going to have more people
19 who are going to receive reduced coverage than
20 people going into coverage. As I said before,
21 they have attempted to pass these bills.
22 They've passed this type of coverage -- bills
23 that provide for this type of coverage in

1 several other states. The reaction from the
2 marketing perspective has been almost zero
3 policies sold.

4 In fact, let me just give -- let
5 me give you something. What we've seen in -- if
6 you removed all mandated coverage, it reduces
7 rates by only 3 to 10 percent. That's from the
8 Washington State Department of Insurance.

9 Bare bones policies have been
10 marketed in six states. Rhode Island 242
11 policies were sold. Illinois, Kentucky and
12 Virginia insurers were selling the policies for
13 up to 15 months; they've signed up businesses
14 with only a few hundred employees total.

15 So what we're going to do to get
16 a couple of hundred people insurances, we're
17 going to offer the possibility to reduce
18 insurance to tens of thousands of people that
19 are currently provided or reduce that type of
20 coverage.

21 I think what you've got here is a
22 poorly drafted legislation. It doesn't protect
23 people currently as Senator McHugh's bill did,

1 and the bill that in fact -- as I said, the main
2 thing it's going to be used for is to reduce the
3 coverage to a number of people.

4 Thank you.

5 SENATOR HOLLAND: I wonder if the
6 Senator would answer a question.

7 SENATOR SOLOMON: Excuse me?

8 SENATOR HOLLAND: I wonder if you
9 would answer a question.

10 SENATOR SOLOMON: Yes.

11 SENATOR HOLLAND: Do you have a
12 better solution, Senator? You know, we really
13 are just trying to cover the people who need to
14 be covered. That's our real point.

15 SENATOR SOLOMON: Sure I do,
16 Senator. (A) is to -- that solution is to have
17 some type of national coverage. (B) is -

18 SENATOR HOLLAND: But we don't
19 have that.

20 SENATOR SOLOMON: (B) is,
21 Senator, right off the bat, you do not provide
22 for a situation where people can opt out and
23 provide less coverage than they currently have.

1 SENATOR HOLLAND: But you just
2 proved that was wrong with your figures from
3 Kentucky and Connecticut, et cetera. You say
4 that not many people get into the system. That
5 means that nobody is opting out and getting into
6 the system.

7 SENATOR SOLOMON: No, this talks
8 -

9 SENATOR HOLLAND: You have just
10 defeated your own question.

11 SENATOR SOLOMON: I don't know if
12 those bills contain those protections on that,
13 Senator.

14 But I wish you had done a -- I
15 wish you could have answered some figures. You
16 still haven't given us a concrete figure on how
17 this is going to save anyone any money. You
18 have no concrete figures. How much do social
19 workers add to a policy? You can't tell me that
20 cost.

21 SENATOR HOLLAND: If that's a
22 question, we're trying to make health coverage
23 available to more people in smaller firms. We

1 are trying to make it affordable for businesses
2 with under 50 employees to offer health
3 coverage.

4 Maybe it's for younger people who
5 are going to have children, and they will at
6 least be covered and won't have to be covered by
7 the state. That's all we're trying to do, and
8 we're offering an alternative.

9 SENATOR SOLOMON: On the bill.
10 Senator, I think what you are offering us is a
11 bill, as I said, where you have no concrete
12 statistics. There was very little done in terms
13 of background preparation for this in terms of
14 telling us where we're going to save money. This
15 is a bill put forth by the NFIB, and what
16 they've done in the subsequent changes in the
17 bill, as I said again, reduce the benefits that
18 will be available to current employees of small
19 groups, and that's the danger in this bill.
20 That's a danger that should have been avoided by
21 copying the sections of the bill as it was
22 originally offered two years ago, but apparently
23 that's been eliminated.

1 I think what we're doing is
2 offering a way to save money for some businesses
3 and reduce benefits to employees, not a piece of
4 legislation that's going to bring more people
5 into the system. And I might add with the
6 community rating that was implemented, that had
7 more of an impact on making policies less
8 affordable, and that's going to have more of an
9 impact than this legislation ever will.

10 THE PRESIDENT: Read the last
11 section.

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

14 THE PRESIDENT: Call the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 1321 are
18 Senators Espada, Gold, Leichter, Markowitz,
19 Mendez, Ohrenstein, Onorato, Smith and Solomon.
20 Ayes 43, nays 9.

21 THE PRESIDENT: The bill is
22 passed.

23 THE SECRETARY: Calendar Number

1 1323, by Senator Johnson, Senate Bill Number
2 2121A, an act to amend the Real Property Tax
3 Law.

4 SENATOR PRESENT: Lay it aside
5 temporarily.

6 THE PRESIDENT: The bill is laid
7 aside.

8 THE SECRETARY: Calendar Number
9 1335, by Senator Levy, Senate Bill Number 4635,
10 an act to amend the Vehicle and Traffic Law.

11 SENATOR PRESENT: Lay it aside
12 temporarily.

13 THE PRESIDENT: The bill is laid
14 aside.

15 THE SECRETARY: Senator Mendez.

16 SENATOR MENDEZ: There will be an
17 immediate conference of the Democratic Senators
18 right now.

19 THE PRESIDENT: Minority
20 Conference imminently.

21 SENATOR PRESENT: Senate will
22 stand at ease, please.

23 (Whereupon, at 4:37 p.m., Senate

1 was at ease.)

2 (Whereupon, at 5:56 p.m., Senate
3 reconvened with Senator Farley in the chair.)

4 ACTING PRESIDENT FARLEY: The
5 Senate will come to order.

6 Senator Present.

7 SENATOR PRESENT: Mr. President,
8 can we call up Calendar 1263, please.

9 ACTING PRESIDENT FARLEY:
10 Secretary will read 1263.

11 THE SECRETARY: Calendar Number
12 1263, by Senator Johnson, Senate Bill Number
13 5929, an act to amend the Environmental
14 Conservation Law, the Economic Development Law
15 and the Public Lands Law.

16 ACTING PRESIDENT FARLEY: Read
17 the last section.

18 THE SECRETARY: Section 20.

19 SENATOR GOLD: Hold on one
20 second. Explanation.

21 ACTING PRESIDENT FARLEY:
22 Explanation has been asked for.

23 Senator Johnson.

1 SENATOR JOHNSON: Mr. President,
2 it's almost three years since the Environmental
3 Bond Act went down to defeat. This house, this
4 Republican conference, this Senate Environmental
5 Conservation Committee, has been striving
6 valiantly to put together a bill which would
7 perform the purposes for which the bond act
8 would have been appropriate, to see that the
9 things that have to get done environmentally get
10 done, that the money is made available, and we
11 have created this environmental trust fund for
12 that purpose.

13 This is going to use \$100 million
14 of general funds, some from the license plates,
15 some from under water land leases and other
16 monies which were formerly provided to pay off
17 the environmental bond act would be available
18 for this purpose through specific appropriating
19 through the general fund.

20 As you all know, what this bill
21 does, it provides some money for coastal
22 rehabilitation, local waterfront revitalization
23 projects, closing of nonhazardous municipal

1 landfills, provides 50 percent funding for some
2 municipalities and for the small municipalities
3 75 percent funding for those purposes.

4 Provides municipal recycling
5 projects; park, recreation and historical
6 development projects; open space land
7 conservation projects, and establishes a task
8 force to give recommendations on how money shall
9 be appropriated to various titles of this fund.

10 This bill is very important. It's
11 been long awaited for by the business community,
12 by the local municipalities, and by the
13 environmentalists in this state, and it's a bill
14 we should adopt, Mr. President.

15 SENATOR GOLD: Mr. President.

16 ACTING PRESIDENT FARLEY: Senator
17 Gold.

18 SENATOR GOLD: Will the Senator
19 yield to just one question?

20 SENATOR JOHNSON: Yes.

21 SENATOR GOLD: Senator, I'm
22 looking at a memorandum. It says, "Introducers
23 memorandum of support," and it says "Funding."

1 Now, will you tell me if I'm
2 reading what you wrote. Funding is to be
3 through a, quotes, "skim", unquotes, of tax
4 monies. Senator, how do you skim tax monies? Is
5 this like the bartender who skims a little
6 off -

7 SENATOR JOHNSON: Senator, you've
8 told me in the past and I've told other people
9 in the past that we are not adopting a memo
10 today. We're adopting a bill. So we'll tell
11 you what the bill says.

12 SENATOR GOLD: All right. All
13 right. Where does the money come from? The
14 point is where does the 100 million come from.
15 The memo says skim. The bill I assume doesn't
16 say skim, but where do we get \$100 million?

17 SENATOR JOHNSON: Senator, if you
18 look on page 25, under Article 17, line 38, it
19 refers to all taxes, interest, penalties and
20 fees collected or received by the Commissioner,
21 et cetera, et cetera, et cetera. This is
22 language that's been used before, and it directs
23 a payment of \$100 million into this fund, 50

1 million on April 1 and 50 million in December,
2 ending December 31st.

3 SENATOR GOLD: April 1st of what
4 year?

5 SENATOR JOHNSON: December 31st.

6 SENATOR GOLD: Of this year?

7 SENATOR JOHNSON: 1994.

8 SENATOR GOLD: So, in other
9 words, there's no money this year; is that
10 right?

11 SENATOR JOHNSON: Well, this
12 budget is already completed, Senator. This money
13 is going to be flowing into the budget that
14 begins in the 1994-95 budget.

15 SENATOR GOLD: Senator, will you
16 yield to one more question?

17 SENATOR JOHNSON: Sure.

18 SENATOR GOLD: Senator, I'm not
19 going to talk technically now, but it's my
20 understanding that when we come into session
21 January of each year, we can't pass any bills
22 that expend money prior to the time that we do a
23 budget. Are you telling me that we can't do

1 that in any calendar year but if the year before
2 we can pass bills before the budget of the
3 following fiscal time?

4 I mean something doesn't sound
5 legal to me, Senator. If we can't prior to the
6 adoption of a budget in a particular legislative
7 session pass budget bills expending money, how
8 do we do it the year before we even get into
9 that legislative year?

10 SENATOR JOHNSON: Senator Gold.
11 I've been assured by counsel this the work.

12 SENATOR GOLD: Oh.

13 (Laughter)

14 Will Senator yield to another
15 question?

16 SENATOR JOHNSON: Yes. Senator,
17 we don't stop paying bills at the end of the
18 budget year. We keep paying the bills and the
19 money eventually flows.

20 SENATOR GOLD: Senator, then
21 maybe my question was inarticulate, and I
22 apologize and I'll do it again.

23 When we came into session the

1 first Wednesday after the first Monday in
2 January 1993, through January and February and
3 March until we actually passed a budget for
4 '93-94, there is a constitutional prohibition
5 against us passing any bills which expend
6 money.

7 Now, Senator, you are talking
8 about spending money for the 1994-95 fiscal
9 year. Now, if this bill was before us in
10 January of '94, we couldn't pass it. Are you
11 telling me that if you get in before the
12 calendar year you can do things that you
13 couldn't do once the calendar year started? That
14 doesn't sound right.

15 And in all fairness, if your
16 counsel says we can do it and that's the answer,
17 I've got three law cases in my office. I need
18 some very creative answers.

19 SENATOR JOHNSON: Senator, this
20 essentially directs the Governor how to prepare
21 his budget next year. This doesn't appropriate
22 money in and of itself. The similar way that
23 local government assistance is funded, this will

1 be funded in a similar manner, but it's all
2 subject to appropriation.

3 SENATOR GOLD: Senator, will you
4 yield to one more question? Assuming it's legal,
5 will you yield to one more question?

6 SENATOR JOHNSON: Yes.

7 SENATOR GOLD: Senator, the
8 bottom line, however, is that if this piece of
9 legislation passes, next year's budget if it was
10 exactly the same as this year -- and I remember
11 when we had a very distinguished gentleman from
12 Syracuse, Tarky Lombardi, who suggested very
13 often that we ought to take last year's budget
14 and just pass it. You know, this would be it.
15 That's the way you cut back. Senator, if we did
16 that, if we took that approach, next year as a
17 result of this bill we would be \$100 million
18 additional spending before we did anything
19 else. Isn't that true, Senator?

20 SENATOR JOHNSON: Senator, if you
21 are saying when we put a budget together, we
22 have to be aware of what spending we're doing,
23 yes, you're right. Absolutely.

1 SENATOR GOLD: No, what I'm
2 saying, Senator Johnson, is that -- I'm really
3 trying to get -- I'm trying to learn
4 conservative economics, and I'm depending on
5 people like you and Senator Maltese and others
6 to teach me. Is conservative economics that you
7 order the spending of \$100 million a year before
8 you get to the budget without having any idea
9 where the revenues come from or how that's going
10 to affect any other part of the budget?

11 SENATOR JOHNSON: Sounds like a
12 social services program, doesn't it, Senator, or
13 the Medicaid program.

14 SENATOR GOLD: No, Senator.

15 SENATOR JOHNSON: Well, I mean
16 we're directed to spend that money, and we have
17 to find out at the end of the year how much
18 we've spent to make up for it.

19 SENATOR GOLD: Well, no,
20 Senator. That's not really so at all. Mr.
21 President, if I may.

22 ACTING PRESIDENT FARLEY: Senator
23 Gold.

1 SENATOR GOLD: Senator Johnson,
2 when we do a budget, there are two parts to that
3 budget, and there are arguments very often
4 between the various houses and the executive as
5 to how much money we have to spend and then how
6 we're going to spend it.

7 And I hear all the time that,
8 Republicans, Conservatives, you want us to cut
9 back on spending, don't increase taxes, cut back
10 on spending. And now I am standing here in
11 Albany probably ten months or more before a
12 state budget, and you're telling me about an
13 extra \$100 million you want to spend in the next
14 fiscal year before we've even started to deal
15 with the budget for that fiscal year. I don't
16 understand that kind of economics.

17 SENATOR JOHNSON: Senator, do you
18 want a response to that?

19 SENATOR GOLD: Yes, I'd
20 appreciate it.

21 SENATOR JOHNSON: We're following
22 the move of the Governor, actually, who has in
23 his proposal decided to use the beer and soda

1 tax, the ten cents on a container of oil tax for
2 this money, taking that which is now going into
3 the general fund to use it for this purpose.
4 We're doing the same thing, Senator, in the
5 sense that that money is flowing into the
6 general fund. It was intended to pay off the
7 bonds, and that money will be used for this
8 purpose.

9 SENATOR GOLD: Well, you say it's
10 intended to pay off bonds. Senator, if you will
11 yield to a question? Don't you think paying off
12 bonds is good conservative economic policy, or
13 is -

14 SENATOR JOHNSON: But the bond
15 act -

16 ACTING PRESIDENT FARLEY: Hold
17 on.

18 SENATOR GOLD: I'm not finished
19 with the question. -- or is the Republican
20 Party politics that you don't pay off debt, you
21 claim you pay off debt, but you spend that money
22 and increase budgets, -

23 ACTING PRESIDENT FARLEY: Senator

1 Johnson.

2 SENATOR GOLD: The reason I ask
3 that -- it's only a comma. I'm not to the
4 question mark yet.

5 Now, the reason I ask that
6 question is that I've heard about capping
7 budgets, and I've heard about all of that
8 garbage through the Reagan and Bush years, and
9 all I know is when they started out Reagan was
10 saying you have to cut spending, and by the time
11 he got out of the presidency we have the largest
12 deficit we've ever had in the country; now I'm
13 starting to understand it, comma, and now I get
14 to the question mark: Is that Republican
15 economics where you say you're cutting
16 everything, but you really take the savings,
17 don't pay off bonds and spend additional money?
18 That's what you just said.

19 SENATOR JOHNSON: Senator, let me
20 comment on a couple of things. The bond act
21 failed, as you are well aware. The revenues
22 which were intended to pay off those bonds are
23 flowing into the general fund. They have been

1 diverted for other uses.

2 SENATOR GOLD: The -

3 ACTING PRESIDENT FARLEY: Just a
4 minute, Senator Gold.

5 SENATOR GOLD: You're right.

6 SENATOR JOHNSON: They should go
7 back to that environmental purpose. So we have
8 the beer and soda container tax; we have the oil
9 tax; we're supplementing that here with the
10 environmental license plates that have come out
11 this year; and that money will be available for
12 this purpose; and there is no problem taking
13 that money in September and December as it
14 flows. We're going to pass the budget well
15 before that time.

16 But let me tell you about
17 Reaganomics. Reaganomics brought increased
18 revenues every year to the federal government;
19 and if they had stopped one year increasing
20 spending, they would have had a balanced budget,
21 but they never stopped. They got in a dollar,
22 they spent two; they got in another dollar, they
23 spent two more. The Congress kept racheting up

1 spending, and you know it as well as I do, the
2 Democrat Congress. Don't give me a lot of
3 baloney about Reaganomics.

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

6 ACTING PRESIDENT FARLEY:
7 Senator, will you yield, Senator Johnson?

8 SENATOR GOLD: Senator, if we
9 have don't have the bonds to pay off -- if we
10 don't have the bonds to pay off, why don't we
11 give the people a tax cut? The only time I hear
12 the Republicans want to give a tax cut is when
13 there is no money to do it.

14 SENATOR JOHNSON: Do you know
15 what the purpose of this bond act was, Senator?
16 Can you answer that?

17 SENATOR GOLD: I know the purpose
18 of it. If you've got money, you can give the
19 money to the taxpayers in a tax cut.

20 SENATOR JOHNSON: The purpose of
21 the bond act was to do recycling and local
22 communities capping and closing landfills, some
23 additional land purchase. That was the purpose,

1 Senator. We're keeping faith with the people,
2 not only people who wanted the bond act but the
3 people who are paying the taxes; that that money
4 is still going for that salutary environmental
5 purpose, and I think that's very appropriate.

6 SENATOR GOLD: Will you yield to
7 one more question?

8 SENATOR JOHNSON: Sure.

9 ACTING PRESIDENT FARLEY: Senator
10 yields.

11 SENATOR GOLD: You say you're
12 keeping faith with the people. If you put a
13 bond act to the people and they said they didn't
14 want it, how do you keep faith by doing it in
15 another way and spending the money. Maybe the
16 people who voted against the bond act were
17 telling you to give them a tax cut.

18 SENATOR JOHNSON: No, what the
19 people were saying is don't go into debt. If
20 you've got the money, spend it. Do these
21 environmental things, but don't go into debt to
22 do it. Don't give half the money to the bond
23 peddlers and the people who clip coupons. Give

1 us full value. We're giving full value. One
2 hundred cents on every dollar goes to
3 environmental purposes, not to peddling bonds or
4 soliciting payments and so forth, from bond
5 brokers.

6 SENATOR GOLD: Thank you. I
7 yield to Senator Oppenheimer.

8 ACTING PRESIDENT FARLEY: Wait a
9 second. I do have a list. I have Senator
10 LaValle, Senator Dollinger, and now Senator
11 Oppenheimer.

12 Senator LaValle.

13 SENATOR LAVALLE: Thank you, Mr.
14 President. I rise to both congratulate my
15 colleague, Senator Johnson, and also to speak in
16 favor of this bill.

17 This bill, Senator Johnson has
18 been working on not only during this session,
19 but I think its roots or its seeds were planted
20 during the 1992 legislative session, and Senator
21 Johnson has never really lost focus or sight
22 that we need important legislation and monies to
23 take care of problems dealing with solid wastes

1 that our local municipalities have had, the
2 revenues that they need to close down the
3 landfills, monies that are needed to deal with
4 rehabilitation of our coastal areas that have
5 been ravaged by the storms of this past winter.

6 And certainly, I think the 1st
7 Senatorial District has probably the most
8 coastline of any of the Senate districts, and I
9 just look on the North Shore and the South
10 Shore, Fire Island, just absolutely devastated,
11 and what Senator Johnson does is precisely what
12 he said. He does keep faith with localities who
13 are trying to deal with the coastal problems,
14 who are trying to deal with the solid waste
15 problems.

16 And they are trying to deal with
17 planning of open spaces. And to that issue, both
18 Senator Johnson and I and Senator Trunzo,
19 Senator Lack, and other Senators have been
20 trying to work on legislation that I hope before
21 this session is finished that we will have
22 before this body to preserve important pine
23 barrens within Suffolk County and also at the

1 same time to allow for important projects that
2 have been stalled to move forward to help
3 economic development in our county.

4 In keeping faith, once again,
5 Senator Johnson has isolated and said monies
6 that should go into a trust fund, that should be
7 dedicated to this environmental trust fund, will
8 go for these purposes.

9 So I think Senator Johnson has
10 kept his eye on the ball, has been steadfast in
11 its goals to preserve open spaces, to help our
12 municipalities deal with solid waste problems,
13 to help our municipalities deal with coastal
14 erosion problems and, most importantly, to take
15 monies, dedicate those monies in a fund for
16 environmental purposes.

17 I think he has done a terrific
18 job and should be commended. I would hope that
19 we support our colleague in his effort, and he
20 has been negotiating, I might add, in just
21 closing, tirelessly during this entire
22 legislative session, and certainly during the
23 last two weeks.

1 So I commend you, Senator
2 Johnson. I hope this body will give you their
3 overwhelming support.

4 ACTING PRESIDENT FARLEY: Senator
5 Dollinger.

6 SENATOR DOLLINGER: I yield to my
7 colleague from Westchester County.

8 ACTING PRESIDENT FARLEY: Senator
9 Oppenheimer.

10 SENATOR OPPENHEIMEER: Thank you,
11 Senator Dollinger. Thank you, Mr. President. I
12 believe there is an amendment at the desk.

13 ACTING PRESIDENT FARLEY: Yes,
14 there is.

15 SENATOR OPPENHEIMER: There is?
16 And I would waive its reading, and I would move
17 to explain it.

18 The amendment removes a couple of
19 lines from the bill which specifically mention
20 two areas in the Adirondack Park that were
21 specifically mentioned for acquisition, Morgan
22 Estate on Lake George and Follensby Pond, and
23 there is another section that we recommend

1 removal which is the \$3-1/2 million to support
2 the purchase of these two properties as it has
3 been deemed insufficient to acquire these
4 properties, perhaps less than half the money
5 that would be required for the purchase of these
6 properties.

7 But I would like to speak
8 generally about making restrictions on purchases
9 within the park. I agree with most of the
10 environmental groups in New York State that have
11 expressed opposition to any limitations on
12 acquisition of property within the Adirondacks.
13 It is one-fifth of our state. That is rather an
14 amazing fact. And it is also the largest park
15 in the continental United States. The only
16 larger park that we have in America is in
17 Alaska, Denali Park. So it is quite an amazing
18 and wonderful, open wild preservation that we
19 have as our heritage.

20 Indeed, its genesis is found in
21 our Constitution, which makes it very unique.
22 It is also a very unique ecological biosphere,
23 and it is probably the only biosphere in the

1 Northeast United States.

2 So I am opposed to restrictions
3 on purchases to these two specific parcels. One
4 of the environmental groups would have gone
5 along with it had there been two other purchases
6 made in the park, but almost all environmental
7 groups in New York State did not feel that way.

8 They felt that it was necessary
9 to not specify which the parcels would be and
10 that hopefully we would be able to move on the
11 state open space land acquisition plan which, as
12 you know, we all voted to have done back in
13 1990, and indeed there were perhaps thousands,
14 maybe 2,000 people in our state took part in
15 this effort, where the state was broken down
16 into regions, and there were nine regional
17 advisory committees that were appointed jointly
18 by county governments and the state.

19 And they held thirteen public
20 hearings around the state; and in each of these
21 regions, the people decided, the people of the
22 region decided what they felt were the important
23 areas to acquire, and the Adirondack folk were

1 in Region 5, and I have here the list that the
2 people identified and Follensby Pond is one of
3 them but so, too, is Hudson River gorge, Hudson
4 River Hadley to Warrensburg, undeveloped Lake
5 George shoreline, Whitney Park.

6 So to specify just two and say
7 that absolutely nothing else can be acquired
8 goes against the Region 5 group that identified
9 these parcels, and it seems unfair that we say
10 in the bill that the Long Island pine barrens
11 should be saved and the estuary preserve should
12 be saved and that there aren't similar
13 provisions for the Adirondack Park.

14 As many of you know, I am a lover
15 of hiking and in the beauty and the silence of
16 the wilderness, and I think it's a respite for
17 many people in our state and from all over the
18 country who come here to get away from the
19 frenzy of society generally, and I just appeal
20 to you that this whole -- the whole should be
21 saved or at least parcels taken in the line,
22 lineup that has been created by the people in
23 Region 5.

1 And I just would urge a broader
2 look at this and some accommodation with the
3 other house as to acquisitions not strictly
4 delineated within that parkland.

5 Thank you.

6 ACTING PRESIDENT FARLEY: On the
7 amendment. Senator LaValle, on the amendment?

8 SENATOR LAVALLE: Mr. President.
9 I would like to speak against the amendment.

10 ACTING PRESIDENT FARLEY: I saw
11 him first, Senator Leichter, and then you are
12 next. This is on the amendment. I still have a
13 list and you are next on the bill, I guess.

14 Senator LaValle, you have the
15 floor.

16 SENATOR LAVALLE: Mr. President.
17 I hope that the remarks that I make on this
18 amendment are not too premature, but I would
19 like to just share with the body the process
20 that has taken place now for about six months on
21 legislation that I hope we will have before this
22 body up for consideration before we leave,
23 dealing with the protection of the pine barrens,

1 central pine barrens on Long Island.

2 The lesson that I have learned is
3 that this legislation when it comes before this
4 Legislature will be one in which people from
5 Suffolk County who are involved in Suffolk
6 County have really developed and been involved
7 in the legislation. And given all the months,
8 the six months and even more and all the permits
9 that we have had and all the people that will be
10 involved, I am sure that when the legislation
11 comes before this body, there will be people
12 from back home that probably will say I want an
13 extra comma or another period or another clause
14 in that bill.

15 The point that I'm making here is
16 that the legislation was developed by people
17 from our county, people on both sides of the
18 aisle from the development community and the
19 environmental community, people, government
20 officials. And the point I'm making here is
21 that people from far beyond, while they feel
22 that the central pine barrens should be
23 protected, were really not involved in telling

1 us necessarily what pieces should be preserved
2 or not. It was done by people back home.

3 And while I have many times been
4 an opponent of some of the things that == I have
5 supported things that have come through the APA,
6 and I've opposed some of the things, and I
7 probably agree as most of us do that the
8 Adirondacks is something that we should cherish,
9 preserve, and that when we TALK about preserving
10 a gem for future generations, I think we all
11 mean it.

12 But it's difficult for me many
13 times as the Senator from the 1st District to
14 tell people who live many, many miles away, what
15 parcels and when they should preserve for
16 certain action, and I think that we as a
17 legislative body have not necessarily listened
18 to what people want from other parts of the
19 state. Senator.

20 SENATOR OPPENHEIMER: If the
21 Senator would just yield for a moment.

22 ACTING PRESIDENT FARLEY: Senator
23 LaValle, would you yield to a question?

1 SENATOR LAVALLE: Yes, I will.

2 SENATOR OPPENHEIMER: I think you
3 are making a case for my amendment, Senator. I
4 think you are saying that it is the individuals
5 from the area who are the ones who ought to
6 decide, at least through our process. That is
7 what we have said, that people from those areas
8 should decide which of the areas to preserve;
9 that it is not for us the Legislature to say, it
10 is forbidden to purchase any other land other
11 than the spot I tell you.

12 You, I think, Senator, are making
13 my point very eloquently.

14 SENATOR LAVALLE: No, I don't
15 think we are on the same wave length, Senator.
16 Because I'm talking about a process that really
17 has taken place and does eventually involve us
18 here in the Legislature, as I hope will happen
19 before this session is over.

20 ACTING PRESIDENT FARLEY: Senator
21 Stafford, why do you rise?

22 SENATOR STAFFORD: You always
23 learn. Is there such a thing now of me being

1 able to ask the Senator -

2 SENATOR LAVALLE: I will yield to
3 you, Senator.

4 ACTING PRESIDENT FARLEY: Senator
5 Oppenheimer, would you yield to a question from
6 Senator Stafford?

7 SENATOR STAFFORD: You have said
8 that Region 5 established what the list was.

9 SENATOR OPPENHEIMER: I have the
10 list.

11 SENATOR STAFFORD: What was the
12 vote?

13 SENATOR OPPENHEIMER: The vote?

14 SENATOR STAFFORD: Yes.

15 SENATOR OPPENHEIMER: By the
16 Region 5?

17 SENATOR STAFFORD: Yes, Region 5
18 committee.

19 SENATOR OPPENHEIMER: I just have
20 the final list. I don't know what the vote
21 was.

22 SENATOR STAFFORD: That's
23 unfortunate. It was never decided.

1 SENATOR OPPENHEIMER: There was
2 never a vote taken.

3 SENATOR STAFFORD: The list was
4 never sent to us. I thought it might be good for
5 you to know that.

6 SENATOR OPPENHEIMER: That's an
7 interesting point, and I will investigate.

8 ACTING PRESIDENT FARLEY: Senator
9 LaValle, you still have the floor.

10 SENATOR LAVALLE: My case rests.
11 I think Senator Stafford asked the most pointed
12 question.

13 SENATOR LEICHTER: Mr. President,
14 my colleagues. I rise to support Senator
15 Oppenheimer's amendment. I do so with some
16 caution and care, because I have a -- as I think
17 many people know, I have a place in the
18 Adirondacks. I love the people. I have the
19 greatest respect for Senator Stafford. I know
20 he is much beloved by the people up there.

21 But I think it is absolutely
22 wrong -- forgetting for a moment the
23 Adirondacks. Forget that we're dealing with the

1 Adirondacks. It's wrong in a bill of this
2 nature that sets up an environmental trust fund,
3 one of its purposes is to acquire scenically
4 valuable land for all the people of the state.
5 To say one area of the state is excluded, and
6 particularly so when it's excluded on the say-so
7 of one Senator, no matter how respected he is,
8 how much beloved he is, how much I personally
9 admire him, but that's wrong.

10 And the only reason the
11 Adirondacks are excluded is because Senator
12 Stafford said that's what I think should be
13 done; that's what I think the people there
14 want. And it does mean that if this bill ever
15 became law -- and I think we're all aware that
16 it's a one-house bill, but it's important that
17 we debate it and important that the issue
18 receive some airing because we've read a lot
19 about the question of whether the environmental
20 trust fund would be available for purchases of
21 land in the Adirondacks other than land that
22 Senator Stafford said, "Okay, I will agree that
23 that can be purchased," and that is a matter

1 that ought to be aired because I think it's
2 wrong public policy for any area of the state.

3 Now, let's take a look
4 specifically at the Adirondacks. But before
5 that, let me address Senator LaValle's point and
6 I think Senator Oppenheimer I think very -- I
7 think correctly pointed out, Senator LaValle,
8 that your argument really was in support of her
9 amendment because her amendment avoids a large
10 area of the state being put in a straitjacket to
11 permit -- to permit the process of local input.
12 And there is no question but that the locality,
13 the people affected, must be heard.

14 I don't know whether they in
15 every instance have a veto power. I don't know
16 whether in every instance their local
17 representative can say you come to me first and
18 I'll decide whether the state can purchase land.

19 The point is, Senator, that if
20 you give that sort of local veto power as
21 distinguished from maximum local input that I
22 think we agree with -- and I followed some of
23 the things that you have done in the pine

1 barrens, that you and Senator Trunzo have done
2 and Senator Johnson. That sounds really very
3 much in the interest, first of all, of the
4 people who live there, but it's in the interest
5 I think of the people of the state of New York.

6 But if you carry your argument to
7 its conclusion, we would never have Yosemite
8 Park, we wouldn't have Yellowstone Park, we
9 wouldn't have any of the great parks. We might
10 not even have the Adirondacks, which is a
11 monument to the wisdom and the greatness of
12 people who served in this chamber long before we
13 did and who saw the importance of preserving the
14 Adirondacks who were then being deforested by
15 rapacious lumber companies.

16 Now, there may be issues about
17 whether all of the properties which were
18 designated for I think it's Region 5, which
19 includes the Adirondacks, should be ones that
20 the state ought to acquire, and that process of
21 discussion ought to proceed and continue, but we
22 should not by legislation say you can only
23 purchase these two tracts and no others.

1 And let me just mention the
2 tracts that were involved in Region 5 that were
3 recommended by the state open space land
4 acquisition plan, included the Champlain
5 Palisades, bluffs along Lake Champlain, which
6 include extensive lake frontage, significant.

7 SENATOR STAFFORD: Would you -

8 SENATOR LEICHTER: Certainly.

9 SENATOR STAFFORD: I hate to
10 interrupt you.

11 SENATOR LEICHTER: No, I'll yield
12 to you any time, Senator.

13 ACTING PRESIDENT FARLEY: Senator
14 Stafford.

15 SENATOR STAFFORD: You are
16 reading a list. Was a decision made by that
17 Region 5 committee that that was going to be the
18 list?

19 SENATOR LEICHTER: Senator, my
20 understanding is that that was a recommendation
21 by the state open space land acquisition plan.
22 And as I said, Senator, that list, that may not
23 have -- let me finish.

1 SENATOR STAFFORD: I haven't said
2 a word.

3 SENATOR LEICHTER: Let me
4 finish. But you're jumping! You look so
5 anxious I'm concerned about you. You are
6 leaning over towards me. You are going to
7 topple over. Let me just finish here.

8 I don't know whether it had all
9 of the local discussion and approval that I
10 would want to have, that certainly you would
11 want to have. But the issue is if they are just
12 recommendations, Senator, that process of
13 consideration ought to be allowed to continue.
14 You foreclosed it. You said, "I say those two
15 taxes and no other ones."

16 SENATOR STAFFORD: Senator, I
17 believe you went to school in Cambridge.

18 SENATOR LEICHTER: Yes, I did.

19 SENATOR STAFFORD: And you are a
20 merchant of words.

21 SENATOR LEICHTER: And I'm a,
22 what?

23 SENATOR STAFFORD: Merchant of

1 words.

2 SENATOR LEICHTER: Merchant of
3 words. I don't know whether I'm a merchant of
4 words but if it's complimentary, I accept it.
5 If it's not, then I deny it.

6 SENATOR STAFFORD: It's
7 complimentary.

8 SENATOR LEICHTER: Then I accept
9 it.

10 SENATOR STAFFORD: You said
11 "recommendation." No recommendation was made
12 by the Region 5 -

13 ACTING PRESIDENT FARLEY: Senator
14 Stafford, if you could -- the stenographer is
15 having trouble hearing you.

16 SENATOR STAFFORD: Oh, I'm
17 sorry. No recommendation was made to the region
18 by the Region 5 committee.

19 SENATOR LEICHTER: Senator, that
20 may well be. I don't know that fact. But if
21 you say it, it's a fact for me because I know
22 you speak candidly and truthfully.

23 But, Senator, that again under

1 scores my point, and I think it's very similar
2 to the point that Senator Oppenheimer made to
3 Senator LaValle, and it certainly underlies her
4 amendment which is that recommendation should be
5 made to the Region 5 committee. That ought to
6 be considered by Region 5. Ought to be
7 considered by the people in the Adirondacks and
8 take a look at the properties that they are
9 talking about, how valuable, how wonderful they
10 are.

11 Now, maybe along the way some of
12 that would not be accepted. Some of that we
13 wouldn't have money to purchase, but your bill
14 -- or Senator Johnson's bill with your input
15 would make it impossible -- impossible to
16 acquire these properties without changing the
17 law.

18 ACTING PRESIDENT FARLEY: Senator
19 Stafford.

20 Senator Leichter, you have the
21 floor.

22 SENATOR LEICHTER: Let me just
23 read what they are, the Champlain Palisades,

1 bluffs along Lake Champlain, which include
2 extensive lake frontage; Hudson River gorge,
3 several thousand acres situated along the west
4 shore of the Hudson River in the town of Indian
5 Lake includes Blue Ledge, a precipitous 600-foot
6 face along the river shore; Hudson River, Hadley
7 to Warrensburg, 18 miles of shoreline along the
8 eastern shoreline of the Hudson River; National
9 Lead/Tahawus, a tract joining the High Peak
10 wilderness; then an undeveloped Lake George
11 shore; and Whitney Park, a 45,000-acre property,
12 which includes Fork and Little Tupper Lakes.

13 There are other beautifully
14 scenic areas, and Senator Stafford is blessed by
15 representing this gorgeous area which is enjoyed
16 not only by the people who live there but by
17 people throughout the state and people
18 throughout the world who come to the
19 Adirondacks.

20 And I just want to say, Senator
21 Stafford, it seems to me the future of the
22 Adirondacks is very much tied into tourism, and
23 I know that you have done a lot to foster that.

1 I remember maybe 35 years ago I drove through
2 Vermont and then New York State, northern New
3 York State, the Adirondacks, long before I
4 thought I would ever be in this chamber or be
5 lucky enough to own a place in the Adirondacks,
6 and I was struck by the poverty in Vermont and
7 the much more scenically attractive and much
8 greater care for the lands which I saw in
9 northern New York State particularly in the
10 Adirondacks.

11 I'm sorry to say, and I think
12 everybody will agree with me, that Vermont in
13 those 35 years has done a wonderful job of
14 developing its state economically by enhancing
15 its environment. It has land controls that are
16 far greater than those we have in the
17 Adirondacks, and what is often struck when you
18 cross Lake Champlain, the care with which
19 Vermont has enhanced the attractiveness of its
20 environment and the carelessness or some of the
21 carelessness that unfortunately we see on the
22 New York side of Lake Champlain, which has hurt
23 the area economically.

1 And I think we are all aware that
2 this is an area of high unemployment, an area of
3 good hard working people that need jobs, want
4 jobs and so on. And I submit that one of the
5 biggest advantages that I can see to that area
6 is by making it scenically even more attractive
7 by preserving the beauty that God gave that
8 particular part of our state.

9 And I think to say that we're not
10 going to use the assistance that I think the
11 people of this region and the people of the
12 entire state would gain by having state monies
13 available, the environmental trust fund to
14 purchase scenically valuable land, to get scenic
15 easements to preserve the beauty of that
16 wonderful park, I think it's just the wrong way
17 to go.

18 Apart from the fact that, Senator
19 Johnson, your bill is funny money. I mean we
20 don't have \$100 million there. But we need a
21 true environmental trust fund that is going to
22 let us go throughout the whole state and no part
23 of the state should be excluded from the

1 benefits of that environmental trust fund.

2 Mr. President, I hope that we
3 will move the amendment.

4 ACTING PRESIDENT FARLEY: Senator
5 Johnson.

6 SENATOR JOHNSON: Mr. President,
7 it kind of makes me blush to sit here and think
8 that Senator Leichter would say that no area
9 should get any special treatment especially at
10 the urging of a particular representative or
11 Senator when he and Senator Ohrenstein were the
12 two people that came to me when the bond act was
13 up and said, "We don't want anything done on the
14 West Side waterfront; we don't want anything
15 built there; don't put anything there -- put it
16 in the bond act. You are not going to build it,
17 you're not going to create any industrial
18 development or any residences or nothing in that
19 area. We want it to remain as it is. We don't
20 want anybody sticking their noses into our
21 backyard because this is our area."

22 So we put it in the bill. In
23 fact, page 17, Title 2, under "Open Space Land

1 Acquisition Projects," we see -- or rather,
2 page 15, line 28, "Notwithstanding any
3 provisions of this title to the contrary, no
4 money be disbursed for use or access, any roads,
5 bridges, ramps, parking facilities, site
6 improvements, sewers, excavation, place and
7 fill. " Nothing can be done with this river
8 because it's our backyard, so stay out of our
9 backyard.

10 Okay. I mean there's nothing
11 wrong with your doing that. You should look out
12 for your own neighborhood, but I don't think you
13 should criticize other people who do the same
14 thing.

15 But nevertheless, I must say that
16 the Adirondacks are a special place. They do
17 need special treatment. The people there know
18 what it needs. That is an area which is
19 one-half owned by the state of New York already
20 and the other half is regulated, so I don't
21 think people are exactly running wild there
22 contrary to the problems we have.

23 But I would say in response to

1 Suzi -- she asked us to do this amendment -
2 Senator, on page 17 strike out "but", and says
3 don't do anything there. Also, you also talk
4 about page 27, line 15, to strike out the
5 purchases of land. And you know, Senator, I'm
6 really surprised at you to do that. Because
7 right now, if this bill goes through, when this
8 bill is signed into law, the Morgan Estate and
9 the Follensby Pond can be bought immediately.
10 It can be bought this year. We don't have to
11 wait until next year's budget, and the open
12 space plan to which you referred identified -
13 identified six parcels. Only four of them are
14 for purchase. Two of them are in this bill.

15 And, Senator, an interesting
16 thing has developed recently, as Senator LaValle
17 made reference to the fact that we're
18 negotiating. We're negotiating very heavily on
19 this bill to try to get an agreement three ways,
20 and negotiations are still going on. But for
21 our part and for those who think we should
22 purchase more land in the Adirondacks, you'll be
23 happy to know that in the negotiations, we have

1 come up with the addition by chapter amendment
2 of the purchase of the Heurich property which
3 will be before us this week, 2200 acres, three
4 miles of waterfront on Lake Champlain which
5 Franz -- Senator Leichter referred to, a jewel
6 of the North Country certainly, and that will be
7 in there.

8 We also would like to include in
9 this -- and those purchases can be made this
10 year, Senator. It's very important as far as
11 instead of putting them off and waiting for the
12 action of this bill and this plan to be funded.
13 And I'd say the -- we also expect that the
14 Whitney estate will be subject to this chapter
15 amendment so that we can lay the groundwork for
16 the eventual purchase of that property as well.

17 So, Senator, any environmental
18 groups who tell you they want to buy the most
19 important land up there, you tell them we want
20 to buy it too, and this bill will help us buy
21 the land that you want, the most important
22 land. The land has been identified, the land
23 which is available.

1 So, Senator, this is a great bill
2 and, you know, everybody around town around this
3 state is waiting for money for recycling, for
4 land closures, capping landfills, park and
5 recreational projects. We're waiting for the
6 coastal revitalization money for Long Island
7 and, as Senator LaValle mentioned, to buy the
8 pine barrens. We're going to have something
9 similar to the Adirondack Park on Long Island,
10 buying up part of the pine barrens and
11 regulating the balance of it.

12 So, Senator, this bill is going
13 to do so many good things and so many people are
14 on board, business, local government, most of
15 the environmental groups. Everybody wants this
16 bill, Senator. This bill has to be done, and it
17 has to be done in the form which it is without
18 chapter amendment which will further enhance it,
19 Senator.

20 It's a great bill, and you should
21 forget your amendment and support this bill.

22 ACTING PRESIDENT FARLEY: I have
23 Senator Stafford, then Senator Jones and Senator

1 Oppenheimer again.

2 Senator Stafford.

3 SENATOR STAFFORD: Mr.

4 President. I would preface my remarks this
5 evening by stating that as I always do on this
6 subject, I obviously mean to be personal with no
7 one. I obviously mean to just try to explain
8 the way our people feel, and I just wish that
9 everyone would follow that ton, which I assure
10 you I will do my best to do.

11 Please let me explain. Maybe
12 it's good for some of my friends that join us on
13 these occasions to remind them that in 1972 we
14 passed a bill here in the state -- it was signed
15 into law -- whereby someone would own 240 acres
16 in the wilderness. The family had worked on the
17 road to pay the taxes. They barely eked out a
18 living. But they had a milkhouse, they had a
19 granary, one son had built a home; in other
20 words, they had a number of buildings. When
21 that was signed into law, we walked in and told
22 people who were fourth, fifth, and sixth
23 generation who had nothing -- nothing other than

1 this land -- that you no longer can use the
2 other land that you have that is vacant because
3 you now are within the restriction of one per 40
4 acres. And it was taken!

5 I'm a little encouraged this
6 evening because when this passed I hadn't been
7 in the Legislature that long, and I remember
8 someone stood up and said, "That's a taking;
9 they should be paid," and everybody laughed.
10 Everybody laughed.

11 This is what we have been living
12 with. My friends, this subject is also about
13 people. Please believe me. And I think some of
14 us who live in the area understand and
15 appreciate the Adirondacks as much if not more
16 than some who just want to use it for a
17 vacation, a week here, a day here, a day there.

18 I will only say this once, but it
19 really makes me feel bad to see someone really
20 enjoying the Adirondacks, some other people
21 trying to make a living, "Pull up the ladder,
22 boys. I'm aboard."

23 "Pull up the ladder, boys. I'm

1 aboard."

2 Now, we do have to do our best to
3 be reasonable on this issue. It is not a
4 national park. It is not a national park.
5 There's private land, and there's public land.

6 And I know it's nice for those of
7 us who want to live up there just a few days a
8 year the more parkland owned by the state the
9 better, but we say our people have a right to
10 make a living and to have a viable economy.

11 I would share with this body, we
12 already own three million acres up there, three
13 million acres out of six.

14 Now, this whole issue -- and I
15 should have said this right from the beginning.
16 It depends on where you are coming from.
17 Because if you go up and enjoy the area and you
18 are only there once in a while, you don't want
19 it to change. You don't want it to change. But
20 if you are there trying to have a viable
21 economy, trying to have a tax base -- and let me
22 talk about the tax base for a few minutes.

23 People say when the state gets

1 the land, they pay taxes. Let me share what's
2 going on now. First, that isn't true. But what
3 taxes they are paying, a law was just decided
4 during the last few years, and it was the
5 Shandaken Reservoir Case, and I think some
6 friends of mine remember that case. But it was
7 ruled -- ruled that the local assessors assess
8 the land that the state has there.

9 And do you know what the state's
10 been doing? And I hope this gets on the record.
11 I hope a number of people are listening. I
12 can't say this directly. I think we all have
13 faults. I think one of mine is sometimes I
14 don't speak directly enough about certain
15 subjects. The state has been taking these small
16 towns to court, spending money, spending money,
17 appealing it, where the town no longer has any
18 money to even fight it and they throw in the
19 towel, and that's the way we're treated, and
20 that's the way they are treated in our county,
21 Senator.

22 I want to make sure that everyone
23 realizes that the people who live in the

1 Adirondack Park and in the area, they aren't all
2 bad people. No, they aren't wealthy, but they
3 love the area and, I might add, they are much
4 better stewards than many visitors -- even those
5 who own their own parcels, I might add.

6 So I think we have to realize
7 we're not talking about just an area of the
8 state. We're talking about an area that has
9 public and private land. And, yes, the people
10 who live there deserve to have their private
11 land considered the same as any other place in
12 the state. Now, this is in effect zoning in the
13 extreme. We now have one of the strictest,
14 strictest, strictest land use plans in the
15 United States.

16 Now, getting back to what Senator
17 Johnson said, and I also want to compliment him
18 and his staff and all who have worked on this
19 and negotiated it and will be continuing to do
20 so.

21 We have -- we have a situation,
22 really, here that everyone is going to realize
23 there will be parcels to be purchased. I may not

1 agree. I may say let's keep in the private
2 sector so this will be part of the economy.

3 And, by the way, that we can just
4 live on tourism and have more vast acreages of
5 land is a lot of nothing. I assure you. But we
6 have I think shown a good faith effort here, and
7 I think actually we might have some goals
8 obtained here quicker and more efficiently than
9 we would if it was not done this way.

10 But no, my friends, I make no
11 bones about it, we feel when the state owns 50
12 percent of an area, simply because some of the
13 area that the state doesn't own yet, should we
14 purchase it just because it's environmentally
15 pleasant, nice? What if we did that in some of
16 the other areas of the state? And I could think
17 of some estates that, you know, we might want to
18 start with. You wouldn't have to come all the
19 way to the Adirondacks.

20 So all I'm saying is we're
21 dealing with people. We think they should have
22 consideration for their private property. We
23 realize there will be purchases. There will be

1 purchases throughout the state. But just as as
2 so often some of you have an issue and it
3 really, really involves yourself, your home
4 area, obviously, this is an issue that is just
5 that for those of us who serve the area.

6 I might also say -- I don't know
7 whether any of them want to take credit for it,
8 but I'm not the only person that represents the
9 area of the Adirondack Park. There are many
10 other legislators. Some are here, some aren't.
11 But, actually, it is an area that we like
12 yourselves want to see treated properly, but we
13 feel we need a tax base.

14 And you know -- let me just
15 explain this a minute. You know, we talk about
16 the people. You know, when the state buys more
17 land and there is less tax, the people there are
18 subsidizing -- they're subsidizing the people of
19 the rest of the state and the world. You have
20 to look at it that way too. We're not
21 complaining, but I think that point has to be
22 made because when the tax base goes down, the
23 other taxpayers pay more.

1 So again, Mr. President, I think
2 that the amendment should not prevail and would
3 ask that we all act accordingly.

4 ACTING PRESIDENT FARLEY: Senator
5 Jones. I have a list, Senator Gold. I got you
6 on it.

7 SENATOR JONES: On the
8 amendment. I certainly respect Senator
9 Stafford's position, and I guess I certainly
10 have to admire anyone who can hold a position in
11 view of certainly the press that I've read and
12 the difficulty he's had over it.

13 The only point I would like to
14 make is I have to believe that the Adirondacks
15 is different than some of the other areas we're
16 preserving. I really have never heard of "pine
17 barrens" until tonight. However, within two
18 weeks of becoming Senator, I had over 200
19 letters in regard to the Adirondacks.

20 So what that says to me is that
21 we do have to accept that this land, if not
22 belongs to everyone, everyone has an interest.
23 It is something that belongs to a state.

1 I certainly support what the
2 Senator says, that people who live there are
3 entitled to the same economic advantages that
4 other people have. They are entitled to a good
5 living, but I do think that there is an issue
6 that the Adirondack land is special.

7 I had a meeting in my own
8 district that included a landowner who lives
9 there that owns a park in the Adirondacks that
10 included people who have vacation homes just as
11 you described and it also included people who
12 just belong to various environmental groups who
13 certainly, I'm sure, you'd be the first to say
14 really shouldn't be speaking about that
15 land.

16 But, nevertheless, it was
17 interesting to me at this meeting that there was
18 not the major differences among these people
19 that I read in the paper. Not at all. The
20 person who owned the largest several thousand
21 acres also wanted the land preserved, did not
22 have any argument with the environmentalists who
23 were saying kind of the same message.

1 So I guess I have to believe that
2 somewhere in here there is a common ground that
3 everybody can reach. And the only point I would
4 like to make, Senator, is that I'm concerned
5 that you've limited it to two, at least not to
6 let it open to negotiations. I think I did hear
7 Senator Johnson say that that is going to occur
8 at a later time, and I feel more comfortable
9 with that.

10 ACTING PRESIDENT FARLEY: Next on
11 the list, Senator Oppenheimer.

12 SENATOR OPPENHEIMER: (Indicating
13 another Senator.)

14 ACTING PRESIDENT FARLEY: He's on
15 the bill. He is on a separate list.

16 SENATOR OPPENHEIMER: Thank you
17 very much. Mr. President.

18 ACTING PRESIDENT FARLEY: This is
19 on the amendment.

20 SENATOR OPPENHEIMER: I wanted to
21 point out a couple of things. Number one, when
22 Senator Johnson was talking about the West Side
23 Esplanade, I think the difference should be

1 readily seen by all. In one case, we're talking
2 about land preservation for environmental
3 conservation. In the other hand -- can you not
4 hear me?

5 ACTING PRESIDENT FARLEY:

6 Sergeant, there is quite a bit of conversation
7 in the back. I'm going to either ask that they
8 stop the conversation or clear the chamber. I
9 have had several members say they cannot hear
10 the speaker.

11 Senator Oppenheimer.

12 SENATOR OPPENHEIMER: I just
13 wanted to point out to Senator Johnson, who was
14 talking about having made accommodations in the
15 bill for the West Side Esplanade which was done
16 to accommodate several Senators that the point
17 really is we're talking here about land
18 preservation and environmental protection, and
19 in the other instance we're talking about the
20 development of land for industry and business
21 and transportation.

22 So I mean one case we're talking
23 about preserving the land in its natural state.

1 In the other instance, we're talking about
2 developing the land. So I think it's a very
3 different perspective.

4 I would like to ask a question of
5 Senator Stafford because I'm confused on an
6 issue, if you would yield?

7 SENATOR STAFFORD: Pardon me?

8 SENATOR OPPENHEIMER: I thought
9 that -

10 ACTING PRESIDENT FARLEY: Senator
11 Stafford.

12 SENATOR STAFFORD: I can't hear
13 you.

14 SENATOR OPPENHEIMER: I'm talking
15 right into the thing. Okay. I thought that the
16 state paid full taxes as were assessed by the
17 local assessor and that -

18 SENATOR STAFFORD: That is not
19 true. That is not true.

20 SENATOR OPPENHEIMER: It is not
21 true. Because my perception was if they were
22 paying the taxes they were paying it on a higher
23 valuation of the land.

1 SENATOR STAFFORD: Could I also

2 -

3 ACTING PRESIDENT FARLEY: Senator
4 Stafford.

5 SENATOR STAFFORD: For the
6 situation now, did you hear when I explained
7 that the state has been locking up town after
8 town after town in litigation and not paying the
9 tax until the town is broke, then it has to do
10 whatever the state says? Did you hear that?

11 SENATOR OPPENHEIMER: Well, I
12 know those problems. Having been a mayor, I was
13 often at war and in court with the state, so I
14 can certainly appreciate what you are saying
15 there. It's just that I had been informed that
16 the state was paying full taxes, but you're
17 telling me otherwise.

18 Now, I want to empathize with
19 you, Senator Stafford, and then I agree
20 completely with you that there has to be changes
21 made to the Adirondack Park more. I think that
22 that is an urgent need for reform, and I would
23 support you on that. I think that's different

1 from the issue before us today.

2 SENATOR STAFFORD: Is that a
3 question?

4 SENATOR OPPENHEIMER: No, it
5 isn't. I'm just offering my support, saying
6 that the land regulation use ought to be
7 changed, and that there ought to be some
8 opportunity for reform of the Adirondack Park
9 law.

10 But in the instance of what I'm
11 talking about now, about the various parcels,
12 these parcels are being offered by willing
13 sellers. It isn't a taking of land.

14 Indeed, in your bill, no land can
15 be acquired through eminent domain and in the
16 bill pay -- I mean in Senator Johnson's bill,
17 and it also says payments in lieu of taxes have
18 to be paid for acquired land and easements, and
19 the bill by actually prohibiting certain
20 easements prohibits the opportunity for the
21 state to purchase an easement.

22 Let's say there is a forestry
23 company, the company could continue to operate

1 with the state purchasing the easement. So I
2 think there are, you know, enough reassurances
3 in the bill.

4 ACTING PRESIDENT FARLEY: Senator
5 Stafford, why do you rise?

6 SENATOR STAFFORD: Is that a
7 question?

8 SENATOR OPPENHEIMER: That wasn't
9 a question, either. Yes, sir.

10 Let me wrap up by saying that
11 there seem to be willing sellers and that the
12 community and the Region 5 people who prepared
13 the list actually came to a conclusion that two
14 of the projects were supported by everyone, by
15 the communities as well as by the people who
16 prepared the Region 5 list, and that's the
17 Hudson River Gorge and that's Whitney Park.

18 But let me say that I take a good
19 deal of hope and find it very promising that
20 there is work being done and that there could be
21 a joint bill that we all would be proud to
22 support, because there are many things within
23 this that I obviously support wholeheartedly.

1 ACTING PRESIDENT FARLEY: Senator
2 Gold.

3 Oh, Senator Stafford.

4 SENATOR STAFFORD: A point of
5 clarification. Just one second. I understand,
6 and of course I'm making a point, and if people
7 have erroneous information. I'm sure you will
8 talk to your staff like I do.

9 There never was a determination
10 by the Region 5 Committee as to any parcel of
11 land to be purchased, period. They sent these
12 two down, afterwards. They sent them, but they
13 were not decided by the committee.

14 SENATOR OPPENHEIMER: Well, if I
15 could just respond. Yes, I understand that, and
16 the fact is that when the parcels that had been
17 suggested by Region 5 were put before the local
18 community many communities said they didn't
19 support most of the projects, but there were
20 projects that they did, and I had enumerated the
21 two that everybody seemed to be in complete
22 agreement on.

23 What makes me very hopeful is to

1 hear that there are additional parcels that are
2 being looked at now and that there seems to be
3 an opportunity for agreement on a joint bill,
4 and I certainly look forward to that and hope
5 that that will happen soon and that this
6 one-house bill will turn into a two-house bill.

7 And I move my amendment at this
8 time.

9 ACTING PRESIDENT FARLEY: Senator
10 Gold.

11 SENATOR GOLD: Thank you, Mr.
12 President.

13 ACTING PRESIDENT FARLEY: Your
14 sponsor moved the amendment but you wish to
15 speak.

16 SENATOR GOLD: Yes, thank you.

17 Mr. President. I would just like
18 to respond to some of the remarks made by my
19 distinguished colleague, Senator Stafford.
20 Senator Stafford in essence says that he
21 represents the people in that district -- very
22 well, by the way -- and they only want the same
23 rights everybody else has as far as land and

1 what have you.

2 Senator Stafford, I'm not aware
3 of one parcel of land in this state -- not one
4 that doesn't have some restrictions. We have
5 people who buy waterfront property around the
6 island or around lakes, and those pieces of
7 property have restrictions. There are people
8 who buy property on West 34th Street in
9 Manhattan or East 70th Street in Manhattan or in
10 Queens Village or in Greenpoint, and there are
11 restrictions. Whatever they are may be
12 different than the people who are up in the
13 Adirondacks, but these things aren't secrets.

14 One of the issues which we may or
15 may not decide to deal with in these next few
16 days is rent control in the city of New York,
17 and you say, Why do I bring it up now? I say to
18 myself how many people own property, rental
19 property in the city of New York who bought it
20 yesterday and didn't know what the law was? The
21 answer is people bought this property ten,
22 fifteen, maybe they bought it three years ago.
23 There are laws. You know what the restrictions

1 are when you buy the property. It's no secret.

2 Senator, people who have property
3 in the Adirondacks are on my list of very lucky
4 people. It is a beautiful, phenomenal place to
5 have property, either for limited periods, for
6 use in limited periods or all the time. I have
7 a place in the country, Senator. A lot of times
8 I say, "Gee, it might not be a bad place to
9 live," and look at my neighbors who live there
10 all the time. I go up there maybe a week end
11 here and there or whatever.

12 So I don't think, Senator, that
13 anybody is changing the rules. You made a
14 comment that this is not a national park. Well,
15 I know one thing, Senator. I know that it is a
16 piece of property that is mentioned in the state
17 Constitution. I live in Yellowstone Boulevard
18 in Forest Hills. It's not mentioned in the
19 state Constitution. The Adirondack Park is
20 mentioned. We are all, New York State
21 residents, concerned about it.

22 Now, in saying that, I don't for
23 one second belittle your concern because your

1 concern for that park and the people who live in
2 it is huge and deep and sincere, Senator
3 Stafford.

4 But the bottom line is that, as
5 Senator Oppenheimer pointed out, there are very,
6 very legitimate environmental concerns. Senator
7 Padavan and I and some of my other colleagues
8 from Queens, Senator Stavisky, Senator Onorato,
9 are very concerned about diminishing parkland
10 right in our back yard. We understand these
11 problems. So I think the amendment is very,
12 very appropriate.

13 I think there's a lot wrong with
14 this bill. I said this last week, and I think
15 it gets more tragic as the weeks gone by. Next
16 week when we're here doing one-house bills, it's
17 even going to be more tragic. But I mean to go
18 through all of this for a one-house bill...

19 And, Senator Johnson, I'll say it
20 now so I won't get up again later. It's got to
21 be a one-house bill with funny money all over
22 the place. Senator, if we raised money to put
23 towards a bond issue, it also said in there that

1 if the bond issue didn't pass, it would go to
2 the general fund.

3 And we've got a budget for this
4 year. As a matter of fact, I read one place
5 where we are maybe 270 million below the
6 original estimates, and we're going to be
7 looking for more money. And if we end this year
8 God forbid with a deficit, we'll have another
9 \$100 million deficit because of your bill.
10 That's why it's a one-house bill if for no other
11 reason.

12 But if we're fashioning it we
13 ought to fashion it in a proper way.

14 And Senator Stafford, I just want
15 to throw one more comment out because I made the
16 note. I don't want to point fingers at any
17 local assessors, and I don't want to start
18 calling names. But let's -- you know, even if
19 we have to wink at each other when we say it.

20 You have local assessors
21 assessing the property when the state takes it
22 over, and the state is not going to make in lieu
23 of tax payments. They're going to pay tax. So

1 if I were a local assessor -- you know, it's not
2 Mary Jones who is going to buy in the store from
3 the grocer. We're talking about the state. I'm
4 going to make that assessment as high as I
5 possibly can, because it's going to be coming
6 from state money.

7 So, of course, the state is in
8 there fighting the amount of the assessment. I
9 mean it's a natural -- it's a natural thing.
10 Now, I don't pretend to know as much as,
11 Senator, and there may be that there are very
12 fair assessments or low assessments and they are
13 fighting those, too.

14 I don't pretend -

15 SENATOR STAFFORD: (Inaudible).

16 SENATOR GOLD: What?

17 SENATOR STAFFORD: (Inaudible).

18 SENATOR GOLD: All right. But I
19 want to be fair to you because I know that you
20 say what you say in a very, very sincere way,
21 and you don't mislead us necessarily or on
22 purpose so -- and I mean you are sincere.

23 But what I'm saying, though, it

1 is not unusual -- it would not be unusual for
2 the state to complain if they felt that a local
3 assessor totally loyal to a locality was upping
4 the ante a little bit because they thought it
5 was the state.

6 At any rate, the bottom line is I
7 think it is a good amendment. As long as it is
8 going to be a one-house bill, let's put it out
9 so we're all proud of the bill and accept the
10 amendment.

11 SENATOR JOHNSON: Mr. President.
12 I would like to say one word before we vote on
13 the amendment.

14 ACTING PRESIDENT FARLEY: Senator
15 Wright wanted to speak also.

16 SENATOR JOHNSON: All right.
17 Senator Wright.

18 SENATOR WRIGHT: Thank you,
19 Senator Johnson.

20 Mr. President, I rise to join my
21 colleague from the North Country, Senator
22 Stafford, in opposition to the amendment that's
23 proposed.

1 This is my first debate on the
2 floor dealing with the Adirondacks, and I find
3 it rather interesting that we talk about bio
4 spheres, we talk about an area for respite, we
5 talk about parcels, we talk about relationships
6 to national parks, but we don't talk about the
7 people in the Adirondacks. We don't talk about
8 the need for jobs in the Adirondacks.

9 And I'm concerned that as this
10 debate develops, we have missed our focus and
11 that focus is to achieve a balance, and that's
12 what Senator Johnson has tried to do with the
13 bill is achieve a balance. This amendment
14 distorts that balance.

15 I also find it rather ironic that
16 those supporting the amendment talk about the
17 need for local participation, that in fact by
18 pursuing this amendment we will provide greater
19 local participation. Many of us in the North
20 Country have long advocated there should be
21 greater local participation in the APA. There
22 should be greater local participation in the
23 planning aspects strengthening the role of the

1 local planning boards, providing appropriate
2 funding to those local planning components so
3 that, in fact, the people of the Adirondacks are
4 represented in what is going to happen to their
5 land, their area of the state, not only looking
6 at the statewide issues and perspectives, but
7 also addressing those local concerns.

8 I think if you advocate special
9 regulations as has been consistently the case in
10 the Adirondacks, then you also recognize there
11 is a special need in this legislation to address
12 the Adirondacks. Therefore, I urge opposition
13 to the amendment.

14 ACTING PRESIDENT FARLEY: Senator
15 Johnson, to close debate on the amendment.

16 SENATOR STAFFORD: Excuse me.

17 ACTING PRESIDENT FARLEY: Senator
18 Stafford.

19 SENATOR STAFFORD: Before Senator
20 Johnson closes -- I should stay sitting down but
21 I just want to make one -- two points.

22 First, we say that we should have
23 known -- he's on the telephone. We say we

1 should have known exactly what the regulations
2 were, restrictions were. When that person in
3 '72 had 240 acres and they found out they
4 couldn't use the out 200 acres, they didn't know
5 anything about it until the law passed.

6 And, finally, this whole issue
7 here is not -- not having the tax base eroded
8 more as far as the viable economy when the state
9 already owns 50 percent of the land in the
10 area.

11 Thank you.

12 ACTING PRESIDENT FARLEY: Senator
13 Johnson, on the amendment.

14 SENATOR JOHNSON: Yes. Senator,
15 I may also speak when we vote on the bill. But
16 I would say that anyone who votes for this
17 amendment is really saying they don't want to go
18 ahead right now and purchase the available
19 parcels which are mentioned on page 27.

20 Senator, I think we should go
21 ahead and get this bill passed. It's not going
22 to be a one-house bill. It's going to be a
23 two-house bill, and this amendment would really

1 prohibit us if it should prevail and be a part
2 of our bill prevents the purchase of these lands
3 immediately in the Adirondacks. I don't think
4 that's anything that any of us want, and
5 obviously this amendment should fail.

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

8 (Response of "Aye.")

9 Those opposed, nay.

10 SENATOR PRESENT: Party vote in
11 the negative.

12 SENATOR GOLD: Party vote in the
13 affirmative.

14 ACTING PRESIDENT FARLEY: Senator
15 Present, a party vote.

16 Call the roll on a party vote.

17 (The Secretary called the roll on
18 the amendment.)

19 THE SECRETARY: Ayes 23, nays
20 35. Party vote.

21 ACTING PRESIDENT FARLEY: The
22 amendment is not accepted.

23 On the bill. Senator Dollinger

1 on the bill.

2 SENATOR DOLLINGER: Mr.
3 President. I have just a couple questions for
4 the sponsor, and the first one I really
5 apologize for because it's occasionally a highly
6 technical nature.

7 And my question, Senator Johnson,
8 as I understand it also involves coastal relief
9 money. There is an allocation here for coastal
10 assistance; is that correct, Senator? Through
11 you, Mr. President.

12 ACTING PRESIDENT FARLEY: He will
13 give you an answer in a moment.

14 SENATOR DOLLINGER: Through you,
15 Mr. President. I understand it's for coastal
16 rehabilitation and local waterfront
17 revitalization projects.

18 SENATOR JOHNSON: The answer is
19 yes, Senator, page 4.

20 SENATOR DOLLINGER: My question,
21 Mr. President, is does the term coastal as used
22 in this act include the shore of Lake Ontario?

23 SENATOR JOHNSON: Yes, it does.

1 SENATOR DOLLINGER: It does?

2 SENATOR JOHNSON: Yes.

3 SENATOR DOLLINGER: Is it
4 specifically defined in the act, through you,
5 Mr. President, to include that?

6 SENATOR JOHNSON: No. The entire
7 coastline is regulated under ECL law, Senator.

8 SENATOR DOLLINGER: Okay. I
9 just, Mr. President, the reason why I asked is
10 because the Executive Law defines the coastline
11 to include Lake Ontario. The Environmental
12 Conservation Law does not include the Lake
13 Ontario coastline within the coastal
14 definition. I'm trying to find out which
15 definition is being used in this bill.

16 SENATOR JOHNSON: On the
17 revitalization project, all of our coastlines
18 are include the lakes as well as the ocean
19 frontage.

20 SENATOR DOLLINGER: So these
21 funds would include funds for Lake Ontario and
22 some of the high water damage that has been
23 caused, for example, in the town of Greece which

1 I represent. Is that correct?

2 SENATOR JOHNSON: That's correct,
3 Senator.

4 SENATOR DOLLINGER: Okay. My
5 second question is, I believe either you or
6 Senator LaValle talked about the funds that
7 would be available for inclusion into this
8 dedicated fund or this environmental fund. Where
9 in the bill is there an actual earmarking of
10 funds for deposit in the environmental trust
11 funds? Could you just point that out for me?

12 SENATOR JOHNSON: Yes, Senator.
13 Some of the monies -- page 27, there is a
14 reference there to the money from the license
15 plates, and -

16 SENATOR DOLLINGER: How much
17 money is it anticipated we will get from the
18 license plates that will be placed in the fund?

19 SENATOR JOHNSON: About 15
20 million.

21 SENATOR DOLLINGER: About 15
22 million?

23 SENATOR JOHNSON: That's correct.

1 SENATOR DOLLINGER: Where are we
2 going to get the other 85 million?

3 SENATOR JOHNSON: On page 22,
4 leases of land under water is also included in
5 the revenues here.

6 SENATOR DOLLINGER: Okay. Mr.
7 President, through you, haven't all those monies
8 already been spent for in this budget year?
9 Through you, Mr. President.

10 ACTING PRESIDENT FARLEY: He is
11 going to answer your question in a moment.

12 SENATOR JOHNSON: Senator, the
13 balance of the revenues from the beer and soda
14 tax and the oil tax, they are included in this
15 year's budget. We are not specifying them, but
16 they are included in this year's budget, and
17 they were for environmental purposes. We're not
18 allocating that money this year. That will not
19 be allocated until next year's budget.

20 SENATOR DOLLINGER: Okay. We're
21 not really committing any money this year.
22 We're creating this fund some time next year.
23 Is that correct?

1 SENATOR JOHNSON: We're
2 committing this year to buy several pieces of
3 property specified on page 27.

4 SENATOR DOLLINGER: Okay. Mr.
5 President, that leads to the next question. If
6 Senator Johnson will yield?

7 ACTING PRESIDENT FARLEY: Senator
8 Johnson, would you yield to another question?

9 SENATOR JOHNSON: Yes.

10 SENATOR DOLLINGER: Where are we
11 going to get the money to buy those parcels this
12 year when we're not going to dedicate the funds
13 until next year?

14 SENATOR JOHNSON: Senator, that
15 Chapter 19 there -- Section 19 provides that 3.5
16 million will be available to buy that land.

17 SENATOR DOLLINGER: O.K. Where
18 are we going to get that 3.5 million? Through
19 you, Mr. President.

20 SENATOR JOHNSON: That's subject
21 to the budgetary spending plan. If there is
22 money available, it will be purchased this
23 year. That's the only thing that's empowered to

1 be purchased during this fiscal year.

2 SENATOR DOLLINGER: Okay. But,
3 Mr. President, my understanding is -- and,
4 Senator, correct me if I'm wrong. We voted for a
5 budget this year which did not include those
6 purchases in it. Correct?

7 SENATOR JOHNSON: That's correct.

8 SENATOR DOLLINGER: And that
9 budget was balanced, isn't that correct?

10 SENATOR JOHNSON: Well, let's
11 hope so.

12 SENATOR DOLLINGER: Well, let's
13 hope so. I concur with Senator Johnson on
14 that. So where are we going to get the extra
15 money to buy these parcels from? We don't have
16 it in the current budget, do we?

17 SENATOR JOHNSON: Well, Senator,
18 you know there's a great economic revitalization
19 plan going through the house and Senate down in
20 Washington. That's going to revive this economy,
21 Senator, and bring a lot more money in. We're
22 bound to be a recipient of that increased
23 revenue.

1 SENATOR DOLLINGER: So this is -
2 through you, Mr. President. This is if-come
3 money; is that correct, Senator, as I understand
4 it?

5 SENATOR JOHNSON: Senator, did
6 you -

7 SENATOR DOLLINGER: This year?

8 ACTING PRESIDENT FARLEY: Excuse
9 me, Senator Dollinger.

10 I'm going to ask, first of all,
11 there is just an awful lot of conversation going
12 on. I know that everybody is interested in
13 hearing your question.

14 And I'm going to ask that you
15 please take your conversations outside the
16 chamber, and the sergeant-at-arms will please
17 try to break up some of these conversations that
18 are going on. Senator Dollinger, you have
19 another question.

20 SENATOR DOLLINGER: I believe,
21 Mr. President, I just wanted to get the answer
22 to the last question.

23 ACTING PRESIDENT FARLEY: Okay.

1 I'm sorry. There is an answer coming.

2 SENATOR JOHNSON: Would you
3 repeat the question, Senator?

4 SENATOR DOLLINGER: I believe the
5 question was we had a balanced budget and yet,
6 as I understand, Senator Johnson, we're going to
7 expend \$3.5 million beyond what we've already
8 budgeted, but we don't have any revenue
9 projected to cover for that 3.5 million. Is
10 that correct, Senator, for this year?

11 SENATOR JOHNSON: Senator, this
12 is 3.5 million. Is that what your question -
13 yes. Where is the money coming from?

14 SENATOR DOLLINGER: Where is the
15 money coming from this year?

16 SENATOR JOHNSON: Last fall,
17 Senator, there was an air of crisis in the
18 capital. We were commanded to come in
19 immediately, enact additional taxes and so
20 forth. Surprise of all surprises, we ended up
21 with a surplus of \$400 million to \$500 million,
22 Senator.

23 So I don't say any budget is

1 balanced. I think it's very likely, as I said
2 to you that the good things going on in
3 Washington will result in enhancement of the
4 economic condition of this entire nation, and
5 this state should be a beneficiary of that.

6 I'm sure we have a very good
7 prospect of ending up with a surplus and not a
8 deficit. So, Senator, this \$3.5 million in a
9 \$60 billion budget is not a large amount of
10 money, and if the budget office can find the
11 money we can go ahead with the purchase this
12 year.

13 SENATOR DOLLINGER: Okay. Just
14 so I understand it, Mr. President. Is it safe,
15 Senator Johnson, to call this an optimist's
16 money that we are going to spend? Because we
17 don't have it in our hands, but we expect that
18 we'll have some surplus at the end of the year.
19 Is that my understanding?

20 ACTING PRESIDENT FARLEY: Is that
21 a question, Senator Dollinger?

22 SENATOR DOLLINGER: Yes, Mr.
23 President.

1 SENATOR JOHNSON: I understand
2 rhetorical questions, Senator, and I appreciate
3 it and I enjoy listening to it.

4 SENATOR DOLLINGER: Okay. Just
5 one final question, Mr. President. We are
6 mandating that the state government buy this
7 land in the Adirondacks, these two parcels in
8 the Adirondacks, but we're not funding it
9 because we're not putting any special money
10 aside. It is safe, Mr. President, to call this
11 an unfunded mandate on ourselves rather than on
12 local government? Through you, Mr. President.

13 ACTING PRESIDENT FARLEY: I don't
14 answer the questions.

15 (Laughter).

16 Senator Johnson, do you care to
17 answer that question?

18 SENATOR JOHNSON: I didn't
19 understand it was addressed to me. I thought it
20 was a peroration, Mr. President.

21 ACTING PRESIDENT FARLEY: I
22 understand.

23 SENATOR DOLLINGER: Mr.

1 President, I will acknowledge it had a somewhat
2 rhetorical tinge to it, but I will be interested
3 in Senator Johnson's answer.

4 ACTING PRESIDENT FARLEY: Do you
5 care to answer his rhetorical question?

6 SENATOR JOHNSON: The answer is
7 this, Senator, that people have been looking for
8 an environmental trust bill for several years.
9 We have one before us, and I find it rather
10 disingenuous of the other side which claims to
11 support the environmentalists and the small
12 towns who need money for resource recovery and
13 recycling and protection of their waterfront to
14 stand up and make spurious arguments and
15 dispensations on the fact that there is no money
16 here.

17 Senator, you know it and I know
18 it. If we want this bill to pass, the money
19 will be available because we think it's the
20 right thing to do. I think it's a travesty for
21 someone to stand up here and say that money
22 which has been collected under the rubric of
23 environmentalism, which is now being spent in

1 the general fund should not be returned to do
2 environmental purposes.

3 Senator, if that is your
4 argument, that you don't want money that was
5 raised for environmental purposes to be used for
6 that purpose, that's your argument, Senator. I
7 think it's a bad argument.

8 I think the simple fact is money
9 is there. It's been diverted for use in the
10 general fund. It should return to its original
11 purpose and do what has to be done here for
12 these towns, for the people who want these
13 environmental programs to go forward, Senator.

14 ACTING PRESIDENT FARLEY: Senator
15 Dollinger.

16 SENATOR DOLLINGER: Mr.
17 President. On the bill.

18 Senator Johnson really sort of
19 hits the point that I wanted to make on this
20 bill; and that is, it seems to me that everybody
21 in this state wants an environmental trust
22 fund. It's a great idea. It's a great way to
23 dedicate funds, to spend those funds in what are

1 really appropriate ways.

2 I concur with the spending out of
3 this bill, most parts out of it, anyways. I
4 would have preferred the amendment, but I would
5 love to be in the business of spending this
6 money. I think it's a great thing to do. We
7 could all walk back to the people in our
8 districts and say we have done something
9 wonderful for the environment.

10 But what I can't understand, Mr.
11 President, is how we can fool ourself into
12 thinking that we're spending money that we don't
13 have. Senator Johnson, I think, highlights it
14 specifically. We're allocating in this bill,
15 telling the state of New York to go out and
16 spend \$3.5 million worth of money to buy pieces
17 of land up in the Adirondacks for which we don't
18 have any revenue.

19 We don't have any money. We're
20 hitting the charge card, gentlemen.

21 SENATOR DALY: Mr. President.

22 SENATOR DOLLINGER: This isn't an
23 environmental assistance fund. It's an

1 environmental deficit fund because there is no
2 tax associated with it. There's no revenue
3 associated with it.

4 SENATOR DALY: Mr. President.

5 ACTING PRESIDENT FARLEY: Senator
6 Daly, why do you rise?

7 SENATOR DALY: Would the Senator
8 yield?

9 ACTING PRESIDENT FARLEY: Would
10 you yield?

11 SENATOR DOLLINGER: Be glad to,
12 Mr. President.

13 SENATOR DALY: Senator, would you
14 be willing to read to me please the language on
15 page 27, beginning on line 20, the new sentence
16 which begins "no" and read it aloud.

17 SENATOR DOLLINGER: Which page,
18 Mr. President?

19 SENATOR DALY: Page 27, line 20,
20 sentence begins with "no monies." Would you
21 read that aloud.

22 SENATOR DOLLINGER: Director of
23 Budget and a copy of the certificate of any

1 amendment thereto has been filed with the state

2 -

3 SENATOR DALY: "No monies" -

4 please, sir. I'll read it, then. All right?

5 SENATOR DOLLINGER: Fine. I -

6 SENATOR DALY: "No monies shall

7 be available for expenditure from this

8 appropriation until a certificate of approval

9 has been issued by the Director of the Budget

10 and a copy of such certificate or any amendment

11 thereto has been filed with the state

12 Comptroller and the chairman of the Senate

13 Finance Committee and the chairman of the

14 Assembly Ways and Means Committee."

15 SENATOR DOLLINGER: Mr.

16 President, would Senator Daly yield to a

17 question from the question and respond to it?

18 ACTING PRESIDENT FARLEY: Senator

19 Daly, will you yield to a question?

20 SENATOR DALY: Yes, I'll yield.

21 SENATOR DOLLINGER: I agree that

22 that's what this says. My question is, Senator,

23 when in your opinion would that language

1 actually be triggered?

2 SENATOR DALY: When was the
3 language -- right now. Whenever the request was
4 made for the monies for the purchase. It's very
5 obvious. And basically, what it says to me,
6 Senator, is that, as Senator Johnson says,
7 monies can become available in this year's
8 budget. We have had over a \$200 million surplus
9 last year.

10 Let me finish. You asked a
11 question. Let me give you an answer.

12 What we're saying right here in
13 this bill is if and when those monies become
14 available, they will be used for this purpose.
15 Basically, it requires a sign-off by the
16 Division of Budget, by the Comptroller. And
17 frankly, I see nothing wrong with that. Do you
18 see something wrong with that?

19 SENATOR DOLLINGER: It doesn't
20 put any money in our pockets, Mr. President. It
21 doesn't give us the ability to do what Senator
22 Daly wants. This is merely a provision to
23 create the procedure by which we spend the

1 money, but that seems to us to be the whole
2 message. You got a procedure for spending the
3 money. You got the projects you want to spend
4 the money for, but you are not willing to come
5 to grips with the critical issue which is, if
6 you want a trust fund, to actually earmark
7 revenues for it.

8 Senator Johnson talked about the
9 soda and beer tax. There's nothing in this bill
10 that earmarks that money for distribution into
11 the fund, because you know, you are afraid that
12 somebody will say that you are taking tax
13 dollars and spending those tax dollars.

14 I point out, Mr. Chairman -- and
15 with all due respect to Senator Johnson I
16 understand the difficulty of negotiating this
17 bill. I know there are different opinions about
18 this bill, but this is just like buying your
19 child a car. You promised them you'd buy a
20 car. You buy them the car. And do you know
21 what you say to them? He comes to you and says,
22 "Gee, Dad, I need money for gas. Can you give
23 me the keys?" And you look at him and say,

1 "Sorry, I'm not going to give you the keys. I
2 just bought you a car. You wanted a car; you
3 got the car."

4 "Gee, Dad, how about some gas to
5 make the car go?"

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

8 SENATOR JOHNSON: Mr. President,
9 I would like to address a question to Senator
10 Dollinger.

11 ACTING PRESIDENT FARLEY: Would
12 you answer a question from Senator Johnson?

13 SENATOR DOLLINGER: Yes, as
14 Senator Johnson yielded to me, I'll be glad to
15 yield to him.

16 SENATOR JOHNSON: Senator, would
17 you like to propose an amendment to raise some
18 taxes and amend this bill with a tax increase?

19 SENATOR DOLLINGER: No, I have
20 not done that. This side of the aisle has not
21 done that.

22 SENATOR JOHNSON: Senator, if you
23 want a tax increase, be brave enough to stand

1 up. Put in an amendment asking to raise taxes
2 for this purpose, and then we will consider that
3 at this time.

4 If you don't want to do that,
5 Senator, then I think it's a simple matter of
6 whether or not we have our priorities straight.
7 If we want to do this purpose, and we want to
8 take \$100 million out of a \$60 billion budget,
9 we will do it. If we don't want to do this,
10 we'll do it. The argument is spurious unless
11 you're willing to raise taxes for that purpose.

12 Now, no one on this side wants
13 to, Senator, but I know there is a great desire
14 on the other side to raise taxes. As I already
15 said, your colleagues in Washington love to
16 raise taxes. If you want to put that amendment
17 up, we'll consider it, Senator.

18 As it is, this bill can fly. The
19 monies can become available next year from the
20 first revenues that are available. We can
21 accomplish the purposes everyone says they want
22 to do, and I think these arguments unless you
23 are willing to stand up and ask for raising

1 taxes are worthless arguments.

2 ACTING PRESIDENT FARLEY: Senator
3 Dollinger.

4 SENATOR DOLLINGER: Mr.
5 President. I just addressed that issue
6 specifically. My recollection is that last
7 spring, some time in late March or April,
8 members of that side of the aisle and the other
9 house and the Governor found 500, 600, 700, \$800
10 million. I don't know how much it was. Nobody
11 came to me and I don't think -- nobody came to
12 this side of the aisle and said, "How are we
13 going to spend that money?"

14 Easily \$100 million could have
15 been set aside for an environmental trust fund,
16 but that side of the aisle chose not to do it.
17 So when you look at us and say, "Wait a second,
18 you got to tax," there was revenue available
19 this spring. It could have been used for an
20 environmental trust fund, but that side of the
21 aisle decided that it wasn't going to be spent
22 in that fashion.

23 Now after having spent all the

1 money, after having taken all of the money,
2 taken it out of the taxpayers' pockets, now all
3 of a sudden we're going to hit the charge card
4 and create a deficit fund which is going to be
5 funded through deficit, through unappropriated
6 expenditures. We're about to buy a shiny new
7 car for the taxpayers of this state, but we're
8 not going to give them the gas to drive it and
9 we're not going to give them the keys to turn it
10 on. That's a shame.

11 ACTING PRESIDENT FARLEY: Senator
12 DeFrancisco, why do you rise?

13 SENATOR DeFRANCISCO: Senator
14 Dollinger, would you yield to a question?

15 SENATOR DOLLINGER: Yes, I will,
16 Mr. President.

17 ACTING PRESIDENT FARLEY: He will
18 yield.

19 SENATOR DeFRANCISCO: Would you
20 like to pass an environmental trust fund bill
21 this year?

22 SENATOR DOLLINGER: I would like
23 to see a realistic environmental bill have

1 passed this Senate this year, correct.

2 SENATOR DeFRANCISCO: All right.
3 We've got about a week left, so you're in
4 agreement. You'd like to have something passed
5 this year; correct?

6 SENATOR DOLLINGER: That's
7 correct.

8 SENATOR DeFRANCISCO: All right.
9 Will you yield to another question?

10 SENATOR DOLLINGER: Yes, Mr.
11 President.

12 ACTING PRESIDENT FARLEY: Yes, he
13 will.

14 SENATOR DeFRANCISCO: Can you
15 tell me how that's going to be financed?

16 SENATOR DOLLINGER: Right at this
17 point, that's one of the things I said, Senator,
18 is that I would like to have seen it passed -

19 SENATOR DeFRANCISCO: No, no,
20 no. Answer the question. How would you like to
21 see it financed now?

22 SENATOR DOLLINGER: The question,
23 Mr. President, whether we can finance it now is

1 a different question from the first one. The
2 first question was, should we have passed an
3 environmental assistance fund, and we could have
4 used \$500 million or \$600 million that was
5 available in March and April. That side of the
6 aisle elected not to do it. Having spent all
7 the money, there is no money left.

8 SENATOR DeFRANCISCO: Would
9 Senator Dollinger yield again?

10 ACTING PRESIDENT FARLEY: Would
11 you yield again?

12 SENATOR DOLLINGER: Yes, I will.

13 SENATOR DeFRANCISCO: How would
14 you finance the bill that you want in this next
15 week now?

16 SENATOR DOLLINGER: The answer
17 is, Mr. President, since we've spent all the
18 money, unless we can find new money I'm not so
19 sure we can pass an environmental trust fund
20 bill.

21 SENATOR DeFRANCISCO: So you
22 would rather not pass a bill today for an
23 environmental trust fund saying that we will

1 find the money in the general revenues next year
2 than pass the bill as it is right now.

3 SENATOR DOLLINGER: Mr.
4 President. It won't be an environmental trust
5 "fund" unless it's got "money" in it. It will
6 be an environmental deficit fund because we're
7 going to be spending something we don't have.

8 SENATOR DeFRANCISCO: Will
9 Senator Dollinger yield to another question?

10 ACTING PRESIDENT FARLEY: Would
11 you yield to another question?

12 SENATOR DeFRANCISCO: You are
13 aware, are you not, that there was a bond that
14 was before the voters that was defeated,
15 correct?

16 SENATOR DOLLINGER: I am aware of
17 that, Mr. President.

18 SENATOR DeFRANCISCO: And are you
19 aware that there were funds raised for
20 environmental purposes under that bond?

21 SENATOR DOLLINGER: I'm aware
22 that there were taxes raised in anticipation of
23 paying off the cost of that bond.

1 SENATOR DeFRANCISCO: Do you feel
2 it would be appropriate for this body to use
3 those funds that have been flowing into the
4 general fund to place in an environmental trust
5 fund?

6 SENATOR DOLLINGER: Mr.
7 President, in the context of April and May -- or
8 excuse me -- in April when we work on the
9 budget, yes, Mr. President, I do think I would
10 have supported that.

11 SENATOR DeFRANCISCO: And will
12 you support that now?

13 SENATOR DOLLINGER: If -- if,
14 when we go back through the budget process we
15 balance the budget and we're not creating a
16 deficit, the answer is yes, I would be willing
17 to earmark funds into an environmental trust
18 fund -

19 SENATOR DeFRANCISCO: Thank you.

20 SENATOR DOLLINGER: -- a real
21 fund that works, not one that's created by
22 deficit, not one that's created out of thin air.

23 I'd just conclude, Mr. President,

1 by saying that I think we ought to recognize
2 this for exactly what it is. It's not an
3 environmental trust fund. It's a deficit fund.

4 It's built on if-come. It's not
5 built on real dollars, and my hope is that when
6 we consider this bill, we'll look at a real
7 trust fund. And I agree with Senator Johnson.
8 I know it's difficult negotiations. I agree with
9 Senator DeFrancisco. Coming up with the money
10 is extremely difficult to do.

11 But if we don't come up with the
12 money, if we don't put gas in the tank, we're
13 never going to be able to drive the car. And
14 for us to say, "Don't worry," this is really an
15 if-come fund bill. It's not a real fund bill.
16 It's all on the if-come. It's all based on some
17 hypothetical surplus that we'll have in the
18 future.

19 I suggest to my colleagues -- I
20 know the negotiations are going to be more
21 difficult but I suggest to my colleagues that,
22 as Senator LaValle pointed out, to keep faith
23 with the people in this state, to give them

1 something that will really work, we put the
2 gasoline in the tank, we give the people the
3 keys to the car, and we allow them to drive away
4 with something that has real substance.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

7 SENATOR DALY: Mr. President.

8 ACTING PRESIDENT FARLEY: Senator
9 Daly.

10 SENATOR DALY: Mr. President. It
11 seems to me that we're hearing arguments on the
12 other side for the sake of argument, anything
13 that will help create problems in the moving of
14 this bill.

15 We've just heard a long
16 dissertation by Senator Dollinger on the extra
17 spending that we're -- we're wiping aside the
18 budget that we have established.

19 I point out, Mr. President, that
20 this hundred million dollars which is proposed
21 for the environmental trust funds will come
22 primarily from next year's budget from monies
23 that we had set aside for three years ago for

1 exactly this purpose. Even though we did take
2 the money and put it in the budget, now we're
3 saying take that money out of the budget and put
4 it where you said it was going to go when you
5 imposed that tax, that fee, three years ago.

6 If you want to argue about \$3-1/2
7 million out of a \$60 billion budget, that is
8 spurious, specious and somewhat fallacious.

9 SENATOR GOLD: Last section.

10 ACTING PRESIDENT FARLEY: Senator
11 Sheffer.

12 SENATOR SHEFFER: Mr. President,
13 I rise in support of this bill and, more
14 particularly, in support of the effort and
15 effort which Senator Johnson has led on behalf
16 of this house to bring these negotiations to a
17 final and to a successful conclusion.

18 Senator Johnson said earlier that
19 negotiations are ongoing. I want to stand on
20 this floor and give him encouragement and
21 support that this house is committed to passing
22 an environmental trust this year.

23 I had the honor, although

1 frustrating at times, to serve in the Minority
2 in the Assembly for ten years, and I don't think
3 anyone appreciates more fully than I do the
4 valuable role of the Minority in bringing
5 amendments to the floor, in being argumentative,
6 in trying to fully analyze the bill for
7 yourselves and for this state, but there is an
8 enormously important issue at stake here, and
9 the question is are we going to be a part of the
10 solution to that in the next several days or are
11 we going to be argumentative on points that
12 simply cannot be defended.

13 The notion that there is no
14 precedent, an honorable precedent in this state
15 for putting in place a program and a structure
16 to a program to be funded in the next budget
17 cycle is just nonsense. That is what we did a
18 year ago with the high tech' bill, a critically
19 important bill throughout this state, put the
20 program in place and funded it in this budget
21 passed two or three months ago.

22 That's what we did with the ELGAC
23 legislation. And indeed, as you wade through

1 the Legislative Index, bill after bill after
2 bill certainly filed by the Minority members of
3 this house seek to commit this state to valuable
4 programs, some of them funded in this fiscal
5 year, many of them funded in the next cycle.
6 There is not only precedent but honorable
7 precedent for that effort.

8 My point in rising is to say to
9 Senator Johnson that his efforts on this bill
10 and in these negotiations is appreciated, that I
11 support it and want to give encouragement to it,
12 towards the goal of bringing this critically
13 important issue to a conclusion this session in
14 the next several days, coming to agreement with
15 the Assembly, and sending a bill to the
16 Governor.

17 And we're all who support this
18 bill voting with that goal in mind.

19 SENATOR GOLD: Last section.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

22 THE SECRETARY: Section 20. This
23 act shall take effect immediately.

1 ACTING PRESIDENT FARLEY: Call
2 the roll.

3 (The Secretary called the roll.)

4 SENATOR GOLD: Mr. President.

5 ACTING PRESIDENT FARLEY: Senator
6 Gold to explain his vote.

7 SENATOR GOLD: Thank you very
8 much, Mr. President. First, Mr. President, I
9 guess over the years we've all collected, you
10 know, our share of memorabilia. I don't have
11 that much, but I'd love the minutes of this
12 debate as part of my memorabilia because in
13 future generations they will never believe the
14 stories we'll tell unless they actually see it.

15 Senator Johnson says he wants to
16 spend it because we think we got it. The memo,
17 as I pointed out, said we're going to get it
18 because we're going to skim off of the taxes. I
19 couldn't believe anybody really sober would
20 write that in a memorandum. We're telling the
21 public we're going to create a trust fund by
22 skimming their taxes? I mean what are we nuts
23 here?

1 Senator DeFrancisco says to
2 Senator Dollinger, if you want a trust fund, are
3 you going to give taxes or how are you going to
4 raise the money, et cetera, et cetera. Well,
5 Senator, we raised the money. You spent it.
6 You spent it. Give it back. Give us back what
7 you threw into the extra school aid in some of
8 your districts. Take it back out of Nassau
9 County, or whatever.

10 You want to tell the public what
11 you did with their money? You spent it. That's
12 where it is. You spent it so much that I
13 understand we're about \$270 million in the
14 hole.

15 But I want to tell you I got a
16 great idea. Everybody here says they are for a
17 tax refund. I figured out how to do it. We'll
18 do a little skimming. That's all, we'll skim a
19 little bit. I personally am for a tax refund if
20 we can work out that skimming.

21 And, lastly, to the gentleman who
22 said that he knows what it's like to be in the
23 Minority, and that's offering amendments and

1 that's being argumentative. Senator, that may
2 be what being in the Minority in the Assembly is
3 about. Over here being in the Minority is to
4 tell the truth, and that's what we've done.

5 I vote in the negative.

6 ACTING PRESIDENT FARLEY: Senator
7 DeFrancisco to explain his vote.

8 SENATOR DeFRANCISCO: I would
9 like to explain my vote if I could.

10 I assume that everybody in this
11 room would like to see an environmental trust
12 fund bill. At least, that's what everybody
13 says, too.

14 To suggest, as Senator Gold did,
15 that since the bond act didn't go forward, we
16 should give everybody a tax cut -- we should
17 give everybody a tax cut. I suppose he also
18 supports the Governor's proposal which would
19 call for tax increases to fund this
20 environmental trust fund. So when he is telling
21 the truth, that truth is an extremely
22 interesting one. Let's cut the taxes to give
23 back the money before, but let's create a new

1 tax structure so we can fund the environmental
2 trust fund this year. That is the trust.

3 Now, to suggest that this is an
4 if-come proposition as far as these monies are
5 concerned, I'm not going to restate what Senator
6 Sheffer has said. Although I haven't been here,
7 I have seen in the prior years where programs
8 have been set up and they have been funded in
9 prior years. But what happened in this
10 particular case was that when the monies were
11 coming in for environmental purposes, they were
12 spent for other reasons. And that gasoline
13 didn't go into the car; it went into the ground
14 on some other reasons; and this year it was
15 spent for other reasons like saving your subway
16 fare and your MTA rates. You didn't squawk too
17 much in the newspapers down in New York City
18 when that happened, but now it's us doing the
19 spending because you have the luxury of telling
20 the truth and voting against every spending
21 bill. That's the truth. Terrific. Terrific.

22 That's very consistent, "We want
23 all the programs but we're going to vote against

1 -- we'll vote against the taxes." Now, that's
2 the truth that we like to hear on this floor,
3 but the truth of the matter is if you want an
4 environmental trust fund bill, you got to start
5 with this one and vote in the affirmative.

6 And I vote in the affirmative
7 today.

8 ACTING PRESIDENT FARLEY: Senator
9 Mendez and then Senator Leichter.

10 Senator Mendez, you have the
11 floor.

12 SENATOR MENDEZ: Mr. President.

13 ACTING PRESIDENT FARLEY: Senator
14 Mendez to explain her vote.

15 SENATOR MENDEZ: To explain my
16 vote, yes.

17 After hearing this very
18 enlightened debate, I have concluded that the
19 main reason being given to vote against this
20 bill is because there is no monies to allocate
21 to in fact go ahead and start buying all this
22 land in the Adirondacks and everywhere else. I
23 abide by that reason.

1 However, since we all know that
2 that is a one-house bill and since we also know
3 that already the state of New York owns 50
4 percent of the land in the Adirondacks and since
5 we also know that Senator Stafford is doing well
6 by his constituents and since we also know that
7 there are times in our own positions as "pro
8 gressive legislators," that we like to call, to
9 name ourselves, we have to keep in mind there
10 are times we become, Mr. President, a little bit
11 of elitist in the positions that we choose.

12 So, yes, I am voting against this
13 bill, but I hope that all these things that the
14 people who enjoy the area for one day or a week
15 or a year as well as the people who own the land
16 will get together, forget about this nonsensical
17 war and forge a compromise that will make it
18 possible for the entire residents of New York
19 State to enjoy the beauties of the Adirondacks
20 and at the same time have some -- have the
21 residents in the area have some say of what
22 should be done with their property.

23 I vote no.

1 ACTING PRESIDENT FARLEY: Senator
2 Leichter.

3 SENATOR LEICHTER: Yes. Mr.
4 President, I'm sorry that Senator DeFrancisco
5 failed to understand the point that we were
6 making here, and I guess you really don't want
7 to, Senator, because it would really require you
8 to face up to the fact that you can't spend if
9 you are unwilling to raise the revenue.

10 And I thought it was fascinating
11 listening to you because you were saying like,
12 "O my God, you people want to -- are going to
13 raise revenue. You're going to raise revenue."

14 That's right, Senator. That's
15 why we have trouble with this bill. We are in
16 favor of the environmental trust fund, but we're
17 going to be honest about it. That's what
18 Senator Gold said. Honest means that you've got
19 to fund it. And for you to say, "Oh, well,
20 we'll fund it with this money that we've already
21 spent," Senator, we can't spend it twice.

22 Now, I understand what you're
23 saying, "Oh, well, next year I'll make some

1 other adjustments, and so on." Senator, we
2 didn't spend that money for the New York City
3 subway fare. Mostly, it went to additional
4 school aid in Nassau County.

5 As I remember, you voted for that
6 budget, Senator. We didn't. Most of us at
7 least didn't. I didn't.

8 But if you now say you're going
9 to fund next year the environmental trust fund
10 out of that \$85 million -- I don't know where
11 the other \$15 million is coming from, but since
12 it's monopoly money anyhow, you know, why not
13 say it's going to come from heaven.

14 SENATOR LARKIN: Are we on a roll
15 call?

16 ACTING PRESIDENT FARLEY: Senator
17 Leichter, you have two minutes to explain your
18 vote. You are already over time.

19 SENATOR LEICHTER: All right. I
20 will not take as long as Senator DeFrancisco
21 explaining his vote.

22 SENATOR GALIBER: Point of order.

23 ACTING PRESIDENT FARLEY: Just a

1 moment.

2 SENATOR GALIBER: Point of order,
3 Mr. President.

4 ACTING PRESIDENT FARLEY: What is
5 your point of order?

6 SENATOR GALIBER: Do we have
7 automatic two-minute cut off, or -

8 ACTING PRESIDENT FARLEY: No.

9 SENATOR GALIBER: -- does someone
10 have to object?

11 ACTING PRESIDENT FARLEY: Just a
12 moment, I will answer that. You have two
13 minutes to explain your vote unless somebody
14 objects and asks for the time, and Senator
15 Larkin did, and Senator Leichter had spoken for
16 over two minutes.

17 SENATOR GALIBER: Senator Larkin,
18 Mr. President, is objecting?

19 ACTING PRESIDENT FARLEY: That's
20 correct.

21 Senator Leichter, I'm sure that
22 you are winding up. Right?

23 SENATOR LEICHTER: Yes. So we

1 favor an environmental trust fund, and what
2 we're saying is that environmental trust fund is
3 going to require revenue. Precisely, Senator
4 DeFrancisco, revenue. And that's something that
5 if you are sincere in wanting an environmental
6 trust fund you are going to have to face up to.

7 It's for that reason and some of
8 the reasons having to do with the Adirondacks
9 that I vote against their bill.

10 ACTING PRESIDENT FARLEY: Senator
11 Cook to explain his vote. Then Senator Daly and
12 Senator Wright and I think Senator Jones. So
13 we've got a lot of explaining.

14 SENATOR COOK: Mr. President, I
15 hope that everybody on the other side who says
16 that this bill is a signal that we don't want an
17 environmental trust fund, that defeating this
18 will be that signal, I hope they are correct, at
19 least an environmental trust fund that is going
20 to buy more state land. Because, frankly, I
21 can't imagine why when the state already owns a
22 major proportion of several counties of this
23 state we want to spend public money acquiring

1 more property. It's the old saying of, what's
2 yours is mine and what's mine is mine. The
3 state wants to own the whole of several counties
4 in the state in my district as well as some
5 other people's districts, and the point has come
6 that -- the time has come to say no. We've got
7 enough land in this state. The state doesn't
8 know how to manage what it's got. We've got
9 major problems with people over using the land.
10 We don't have people to go in and see that it's
11 used properly now. And until we get a time when
12 the state of New York can say, yes, we can
13 manage the land that we have, I think we
14 shouldn't buy any more.

15 And I hope everybody over there
16 votes against it and everybody here as well, and
17 let's send a message: We own enough land in this
18 state, and we don't want any more.

19 I vote no.

20 ACTING PRESIDENT FARLEY: Senator
21 Daly to explain his vote.

22 SENATOR DALY: Thank you, Mr.
23 President. I guess logic -- logic seems to have

1 deserted us this evening.

2 You know, it seems to me that
3 you've got to go back three years to when we got
4 that extra nickel, that deposit, and we got it
5 telling the people of this state this money will
6 be used for an environmental trust fund, and we
7 violated it. I agree. We have taken that money
8 and we've put it in the general fund.

9 Now I read where the Assembly
10 Majority is looking for \$70 million more by
11 using a new tax on waste haulers, still hiding
12 the fact that the money that we raised three
13 years ago was raised for a specific purpose.

14 This side of the aisle is okay
15 saying, "Let's use that money for the purpose we
16 told the people of the state we would use it
17 for," namely, for an environmental trust fund.
18 Certainly, that will give us \$100 million
19 shortfall next year, and we'll have to deal with
20 it. But let's go back and honor -- honor what
21 we told the people of the state three years ago
22 that this money was going into an environmental
23 trust fund. Let's put it there.

1 I vote yes.

2 ACTING PRESIDENT FARLEY: Senator
3 Daly is in the affirmative. Let's see.

4 Senator Wright.

5 SENATOR WRIGHT: Thank you, Mr.
6 President. To explain my vote.

7 I'm voting in favor of the bill
8 this afternoon. While I share Senator Cook's
9 concern in terms of the acquisition of more
10 state lands and how those lands are managed and
11 it's certainly indicative of what occurs in my
12 district, I'm also a realist and recognize that
13 we're going to have to achieve a consensus, that
14 in fact the state will be acquiring more land.

15 So I'm supporting the bill
16 because it places specific controls and
17 restrictions on the process that we go about
18 acquiring that land, but I'm also supporting the
19 bill because it provides assistance to local
20 governments for landfill closures and recycling
21 projects to diminish the cost of those mandates
22 that they are facing.

23 And equally important, although

1 not mentioned this afternoon, is the fact that
2 the bill provides funding for a tax abatement
3 program for the forest products industry. And
4 that's the balance that I spoke of earlier in
5 terms of the amendment; that if we're going to
6 protect the environment, we also need to ensure
7 that we provide incentives for job creation, and
8 that's critical in the forest product industry
9 within the Adirondacks.

10 Therefore, I'm voting for the
11 bill. Thank you.

12 ACTING PRESIDENT FARLEY: Senator
13 Wright is in the affirmative.

14 Senator Jones to explain her
15 vote.

16 SENATOR JONES: To explain my
17 vote.

18 Actually most of the things that
19 I wanted to say Senator Daly already has said.
20 Unlike my colleagues, I haven't been here long
21 enough that I'm not willing to trust that
22 somewhere this money is going to come, but
23 Senator Daly made the point that I wanted to

1 make. I do know there was an element of trust
2 in the transportation fund, that something went
3 wrong, and I was happy to hear you say, Senator,
4 "You're correct" that must be there was an
5 element of trust in the bottle tax that also was
6 violated. So I'm happy to hear that said here
7 on the floor, and I agree with you.

8 So I am going to support this
9 bill because I can't stand by and let the good
10 things that are in there go by the board, the
11 recycling and the landfill closure and all the
12 other things so important to this state.

13 But I will give you my word that
14 I will be here talking to you next year very
15 loudly should that trust be violated. I'm
16 willing to give you a chance that this is going
17 to happen, so I am going to support the bill.

18 ACTING PRESIDENT FARLEY:

19 Results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 1263 are
22 Senators Connor, Cook, Dollinger, Espada, Gold,
23 Goodman, Leichter, Markowitz, Masiello, Mendez,

1 Montgomery, Ohrenstein, Onorato, Sears, Smith,
2 Solomon, Stavisky and Waldon. Also Senator
3 Oppenheimer. Ayes 39, nays 19.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 SENATOR CONNOR: Mr. President.

7 ACTING PRESIDENT FARLEY: Senator
8 Connor.

9 SENATOR CONNOR: Thank you, Mr.
10 President. May I have unanimous consent to be
11 recorded in the negative on Calendar Number 1321
12 passed earlier today.

13 ACTING PRESIDENT FARLEY: Without
14 objection.

15 We have some housekeeping -
16 Senator Galiber.

17 SENATOR GALIBER: Yes. Mr.
18 President, may I have unanimous consent to be
19 recorded in the negative on 1321.

20 ACTING PRESIDENT FARLEY: Without
21 objection.

22 We're not done -- we are going to
23 continue the calendar. We're not finished as

1 yet.

2 THE SECRETARY: Calendar Number
3 1316, substituted earlier today, by the Assembly
4 Committee on Rules, Assembly Bill Number 8371,
5 Education Law, in relation to the frequency of
6 school census.

7 SENATOR GOLD: May we have one
8 day on this, please.

9 ACTING PRESIDENT FARLEY: Senator
10 Johnson, can he have one day on that?

11 SENATOR JOHNSON: Oh, sure.
12 Sure.

13 ACTING PRESIDENT FARLEY: Lay
14 that bill aside.

15 THE SECRETARY: Calendar Number
16 1323, by Senator Johnson, Senate Bill Number
17 21A, an act to amend the Real Property Tax
18 Law.

19 SENATOR LEICHTER: Senator
20 Johnson, can you put that over for one day?

21 SENATOR JOHNSON: Okay.

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

1 THE SECRETARY: Calendar Number
2 1335, by Senator Levy, Senate Bill Number 4635,
3 an act to amend the vehicle and Traffic Law.

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

6 THE SECRETARY: Section 4. This
7 act shall take effect immediately.

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 57, nays 1.
12 Senator Wright recorded in the negative.

13 ACTING PRESIDENT FARLEY: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1336, by Senator Bruno, Senate Bill Number
17 4782A, an act to amend the -

18 ACTING PRESIDENT FARLEY: We're
19 getting really noisy in here.

20 Go ahead continue, Mr. Secretary.

21 THE SECRETARY: 1336, by Senator
22 Bruno, an act to amend the State Finance Law.

23 SENATOR LEICHTER: Explanation.

1 ACTING PRESIDENT FARLEY:

2 Explanation. Senator Bruno.

3 SENATOR PRESENT: Lay it aside.

4 ACTING PRESIDENT FARLEY: Lay it
5 aside.

6 THE SECRETARY: Calendar Number
7 1339, substituted earlier today, by the Assembly
8 Committee on Rules, Assembly Bill Number 7832,
9 Real Property Tax Law, in relation to exemptions
10 of certain private dwellings.

11 SENATOR LEICHTER: Explanation.

12 ACTING PRESIDENT FARLEY:

13 Explanation. Senator Marchi.

14 SENATOR PRESENT: Lay it aside.

15 ACTING PRESIDENT FARLEY: Lay it
16 aside.

17 THE SECRETARY: Calendar Number
18 1341, by the Senate Committee on Rules, Senate
19 Bill Number 5854A, General Business Law.

20 SENATOR GOLD: Lay it aside until
21 tomorrow, please.

22 ACTING PRESIDENT FARLEY: What's
23 your pleasure, Senator Present?

1 SENATOR PRESENT: Lay it aside.

2 ACTING PRESIDENT FARLEY: Lay it
3 aside.

4 SENATOR GOLD: Recognize Senator
5 Montgomery.

6 ACTING PRESIDENT FARLEY: Senator
7 Montgomery.

8 SENATOR MONTGOMERY: Thank you,
9 Mr. President. I would like unanimous consent to
10 be recorded in the negative on Calendar 1321.

11 ACTING PRESIDENT FARLEY: Without
12 objection.

13 SENATOR MONTGOMERY: Thank you.

14 THE SECRETARY: Calendar Number
15 1344, by Senator Volker, Senate Bill Number
16 5922, Public Authorities Law, in relation to the
17 Buffalo Port Authority.

18 SENATOR GOLD: Lay it aside until
19 tomorrow.

20 ACTING PRESIDENT FARLEY: Senator
21 Present, what's your pleasure?

22 SENATOR PRESENT: Lay that one
23 aside.

1 ACTING PRESIDENT FARLEY: Lay it
2 aside.

3 THE SECRETARY: Senator Saland.

4 SENATOR SALAND: Mr. President,
5 on page 44, I offer the following amendments to
6 Calendar 1141, Senate Print 5584, and ask that
7 it retain its place on the Third Reading
8 Calendar.

9 ACTING PRESIDENT FARLEY: Without
10 objection.

11 Senator Daly.

12 SENATOR DALY: I wish to call up
13 my bill, Senate Print 5952A, recalled from the
14 Assembly, which is now at the desk.

15 ACTING PRESIDENT FARLEY:
16 Secretary will read it.

17 THE SECRETARY: By Senator Daly,
18 Senate Bill Number 5952A, an act to amend the
19 Environmental Conservation Law.

20 SENATOR DALY: I now move to
21 reconsider the vote by which this bill was
22 passed.

23 ACTING PRESIDENT FARLEY: The

1 Secretary will call the roll on reconsideration.

2 (The Secretary called the roll on
3 reconsideration.)

4 THE SECRETARY: Ayes 58.

5 ACTING PRESIDENT FARLEY: The
6 bill is before the house.

7 SENATOR DALY: May the bill be
8 restored to the order of third reading.

9 ACTING PRESIDENT FARLEY: Without
10 objection.

11 SENATOR DALY: I now move to
12 discharge from the Committee on Rules Assembly
13 Print Number 8104A and substitute it for my
14 identical bill.

15 ACTING PRESIDENT FARLEY:
16 Substitution is ordered. Read the last section
17 of the Assembly bill.

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

20 ACTING PRESIDENT FARLEY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Unanimous.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 Senator Mega.

4 SENATOR MEGA: Mr. President. On
5 behalf of Senator Goodman, on page 25, I offer
6 the following amendments to Calendar Number
7 1108, Senate Print Number 1622, and ask that
8 said bill retain its place on Third Reading
9 Calendar.

10 ACTING PRESIDENT FARLEY: Without
11 objection.

12 SENATOR MEGA: On behalf of
13 Senator Goodman, on page 34, I offer the
14 following amendments to Calendar Number 1331,
15 Senate Print Number 4446, and ask that said bill
16 retain its place on the Third Reading Calendar.

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

20 Senator Holland.

21 SENATOR HOLLAND: Mr. President.
22 I wish to call up my bill, Print Number 5421A,
23 recalled from the Assembly, which is now at the

1 desk.

2 ACTING PRESIDENT FARLEY:

3 Secretary will read it.

4 THE SECRETARY: By Senator
5 Holland, Senate Bill Number 5421A, direct the
6 Commissioner of Social Services to convene a
7 work group.

8 SENATOR HOLLAND: I now move to
9 reconsider the vote by which the bill passed.

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

12 (The Secretary called the roll on
13 reconsideration.)

14 THE SECRETARY: Ayes 58.

15 ACTING PRESIDENT FARLEY: The
16 bill is before the house.

17 SENATOR HOLLAND: Mr. President,
18 I now offer the following amendments.

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

22 SENATOR HOLLAND: Mr. President,
23 on page number 40, I offer the following

1 amendments to Calendar Number 381, Senate Print
2 Number 48-A, and ask that said bill retain its
3 place on Third Reading Calendar.

4 ACTING PRESIDENT FARLEY: Without
5 objection. Three substitutions.

6 THE SECRETARY: On page 7,
7 Senator Seward moves to discharge the Committee
8 on Rules from Assembly Bill Number 8273A and
9 substitute it for the identical Third Reading
10 315.

11 On page 31, Senator Spano moves
12 to discharge the Committee on Rules from
13 Assembly Bill Number 8485a and substitute it for
14 the identical Third Reading 1297.

15 On page 44, Senator Skelos moves
16 to discharge the Committee on Rules from
17 Assembly Bill Number 3538A and substitute it for
18 the identical Third Reading 1068.

19 ACTING PRESIDENT FARLEY:
20 Substitutions are ordered.

21 Senator Present, that looks like
22 it.

23 SENATOR PRESENT: Mr. President.

1 There being no further business, I move that we
2 adjourn until tomorrow at 1:30 p.m.

3 ACTING PRESIDENT FARLEY: Senate
4 stands adjourned until tomorrow at 1:30.

5 (Whereupon, at 8:00 p.m., Senate
6 adjourned.)

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