ALBANY, NEW YORK

June 28, 1993

3:36 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

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

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

(Whereupon, there was a moment of silence.)

Secretary will begin by reading the Journal.

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

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

read.

The order of business.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

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

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

Senate Bill Number 218, by Senator Farley, Alcoholic Beverage Control Law.

768A, by Senator Tully, New York State Medical Care Facilities Finance Agency Act.

1008A, by Senator Spano, Insurance Law.

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

1092, by Senator Daly, Environmental Conservation Law.

1109A, by Senator Johnson,

Environmental Conservation Law.

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

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

2138, by Senator Saland, Real Property Tax Law.

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

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

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

3335, by Senator Tully, Insurance Law.

3587, by Senator Holland, Social Services Law.

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

4134A, by Senator Larkin, Real

Property Tax Law.

4136, by Senator DeFrancisco, an act to amend the Tax Law.

4407, by Senator Hannon, Real Property Law.

4510, by Senator Maltese, an act to amend the Correction Law.

4661A, by Senator Saland, Social Services Law.

4708A, by Senator Trunzo, Education Law.

And 4722, by Senator Mega, Eminent Domain Procedure Law.

Also 4754, by Senator Cook, permanent competitive civil service status.

4767A, by Senator Tully, General Business Law.

4944, by Senator Volker, Civil Rights Law.

5149, by Senator Maltese, Correction Law.

5156, by Senator Volker, Criminal Procedure Law.

5256, by Senator Daly and Masiello, Private Housing Finance Law.

5262, by Senator Lack, amends Chapter 698 of the Laws of 1988.

5271A, by Senator Tully, extension of the statute of limitations.

5275C, by Senator Daly, Public Health Law.

5297A, by Senator Tully, Insurance Law.

5303, by Senator Velella, Insurance Law.

5339A, by Senator Johnson,, State Finance Law.

5405A, by Senator Mega, Civil Service Law.

5576A, by Senator Pataki, Mental Hygiene Law.

5689, by Senator Ohrenstein, authorizing the city of New York to reconvey its interest in certain real property.

5886A, by Senator Lack, Workers' Compensation Law.

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

5927, by Senator Daly, Executive Law.

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

5944, by Senator Wright, Real Property Tax Law.

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

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

5970, by Senator Levy, Education Law.

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

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

5980, by Senator Skelos, Executive Law.

5988, by Senator Lack, amends

Chapter 666 of Laws of 1990.

5989, by Senator Larkin, amends Chapter 680 of the Laws of 1976.

5992, by Senator Tully, Civil Practice Law and Rules.

Senate Bill Number 6000, by the Committee on Rules, Civil Service Law.

6020, by the Committee on Rules, authorize payment of transportation aid to certain school districts.

6042, by Senator Larkin, Education Law.

And 6045, by Senator Cook, Public Health Law.

All bills reported directly for third reading.

(Whereupon, Lieutenant Governor Lundine was in the chair.)

THE PRESIDENT: Without objection third reading.

Senator Mega.

SENATOR MEGA: Mr. President, on behalf of Senator Levy, on page 42, could you

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

THE PRESIDENT: So ordered.

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

THE PRESIDENT: So ordered.

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

THE PRESIDENT: So ordered.

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

THE PRESIDENT: The Secretary will read.

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

for gross income.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is before the house.

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

THE PRESIDENT: Amendments received.

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

THE PRESIDENT: Secretary will read.

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

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is before the house.

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

THE PRESIDENT: Amendments received.

Secretary will read.

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

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

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

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

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

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

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

On page 32, Senator Johnson moves

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

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

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

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

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

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

THE PRESIDENT: Substitutions ordered.

Senator Present.

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

THE PRESIDENT: Secretary will read.

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

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The ayes have it. The resolution is adopted.

Senator Present.

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

THE PRESIDENT: The Secretary will read.

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

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

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

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

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

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

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

Be it further resolved, that a

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

THE PRESIDENT: On the resolution.

SENATOR PRESENT: Mr. President.

THE PRESIDENT: Senator Present.

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

Thank you.

THE PRESIDENT: Senator Hoffmann.

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

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

THE PRESIDENT: On the resolution. All those in favor, say aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The ayes have it. The resolution is adopted.

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

(Applause)

Senator Present.

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

THE PRESIDENT: Secretary will read.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 178, by Senator Sears.

SENATOR PRESENT: Lay it aside for the day.

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

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

SENATOR KUHL: Lay it aside for the day.

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 846, by Senator DeFrancisco.

SENATOR PRESENT: Lay it aside for the day.

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

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is

passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

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

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

SENATOR PRESENT: Lay it aside for the day.

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

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

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

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

for me to make that kind of mistake.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1251, by Senator Lack.

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

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

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

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1308, by Senator LaValle.

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

THE PRESIDENT: Lay it aside for the day.

THE SECRETARY: Calendar Number 1316, substituted earlier.

SENATOR GOLD: Lay it aside for the day.

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

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid

aside.

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

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

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

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1326, by Senator Trunzo.

SENATOR TRUNZO: Lay it aside for the day.

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1331, by Senator Goodman.

SENATOR PRESENT: Lay it aside for the day.

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1333, by Senator Bruno.

SENATOR PRESENT: Lay it aside for the day.

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46, nays 3.

Senators Galiber, Gold and Leichter recorded in the negative.

THE PRESIDENT: The bill is passed.

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

SENATOR DOLLINGER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

2424A, an act to amend the Banking Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1338, by Senator Hannon.

SENATOR PRESENT: Lay it aside for the day.

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

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

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

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

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

THE PRESIDENT: The bill is laid aside.

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

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

SENATOR GOLD: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside.

SENATOR PRESENT: Lay it aside for the day.

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

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

SENATOR GOLD: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

That completes action on the non-controversial bills.

Senator Present.

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

THE PRESIDENT: Yes.

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

Calendar.

THE PRESIDENT: So ordered.

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

THE PRESIDENT: Controversial calendar. Secretary will read.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

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

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

SENATOR PRESENT: Lay it aside for the day.

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

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

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

SENATOR PRESENT: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside.

I would like to ask for order in the chamber.

Thank you.

THE SECRETARY: Calendar Number 1316, substituted earlier today.

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

SENATOR PRESENT: Lay it aside

temporarily.

THE PRESIDENT: The bill is laid aside.

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

SENATOR SOLOMON: Explanation.

THE PRESIDENT: Explanation is requested.

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

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

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

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

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

SENATOR SOLOMON: Mr. President.

THE PRESIDENT: Senator Solomon.

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

SENATOR HOLLAND: Yes, sir.

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

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

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

SENATOR HOLLAND: We're not sure.

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

There is only one problem with your legislation.

SENATOR HOLLAND: That's good.

SENATOR SOLOMON: To begin with.

Senator, your legislation includes maternity coverage?

SENATOR HOLLAND: Yes.

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

SENATOR HOLLAND: Yes.

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

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

SENATOR SOLOMON: No, I -

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

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

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

SENATOR SOLOMON: Yes.

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

SENATOR SOLOMON: It eliminates mammography screening?

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

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

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

SENATOR SOLOMON: Those are covered or not covered?

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

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

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

SENATOR SOLOMON: Mammography screening is one?

SENATOR HOLLAND: No, no, it is covered.

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

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

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

SENATOR HOLLAND: Two-year provision for what?

SENATOR SOLOMON: Senator McHugh's -

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

SENATOR HOLLAND: That's my understanding, yes.

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

SENATOR HOLLAND: Yes, sir.

SENATOR SOLOMON: Okay.

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

more people.

SENATOR SOLOMON: Uh-huh. Senator, I believe I asked this. Do you have any idea what the reduced cost of these policies would be by the insurance companies?

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

It depends on what is included in the policy.

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

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

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

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

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

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

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

The problem with this bill is it

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

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

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

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

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

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

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

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

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

Thank you.

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

SENATOR SOLOMON: Excuse me?

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

SENATOR SOLOMON: Yes.

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

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

SENATOR HOLLAND: But we don't have that.

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

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

SENATOR SOLOMON: No, this talks -

SENATOR HOLLAND: You have just defeated your own question.

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

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

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

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

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

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

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

SENATOR PRESENT: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside.

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

SENATOR PRESENT: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Senator Mendez.

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

THE PRESIDENT: Minority Conference imminently.

SENATOR PRESENT: Senate will stand at ease, please.

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

was at ease.)

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

ACTING PRESIDENT FARLEY: The Senate will come to order.

Senator Present.

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

ACTING PRESIDENT FARLEY: Secretary will read 1263.

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

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 20.

SENATOR GOLD: Hold on one second. Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for.

Senator Johnson.

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

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

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

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

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

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

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

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

SENATOR JOHNSON: Yes.

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

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

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

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

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

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

SENATOR GOLD: April 1st of what year?

SENATOR JOHNSON: December 31st.

SENATOR GOLD: Of this year?

SENATOR JOHNSON: 1994.

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

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

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

SENATOR JOHNSON: Sure.

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

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

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

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

SENATOR GOLD: Oh.

(Laughter)

Will Senator yield to another question?

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

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

When we came into session the

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

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

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

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

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

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

SENATOR JOHNSON: Yes.

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

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

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

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

SENATOR GOLD: No, Senator.

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

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

ACTING PRESIDENT FARLEY: Senator Gold.

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

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

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

SENATOR GOLD: Yes, I'd appreciate it.

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

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

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

SENATOR JOHNSON: But the bond act -

ACTING PRESIDENT FARLEY: Hold on.

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

ACTING PRESIDENT FARLEY: Senator

Johnson.

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

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

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

diverted for other uses.

SENATOR GOLD: The -

ACTING PRESIDENT FARLEY: Just a minute, Senator Gold.

SENATOR GOLD: You're right.

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

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

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

SENATOR GOLD: Will the Senator yield to a question?

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

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

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

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

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

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

SENATOR GOLD: Will you yield to one more question?

SENATOR JOHNSON: Sure.

ACTING PRESIDENT FARLEY: Senator yields.

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

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

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

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

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

Senator LaValle.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT FARLEY: Senator Dollinger.

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

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

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

ACTING PRESIDENT FARLEY: Yes, there is.

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

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

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

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

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

Northeast United States.

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

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

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

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

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

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

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

Thank you.

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

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

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

Senator LaValle, you have the floor.

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

central pine barrens on Long Island.

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

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

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

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

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

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

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

SENATOR LAVALLE: Yes, I will.

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

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

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

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

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

able to ask the Senator -

SENATOR LAVALLE: I will yield to you, Senator.

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

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

SENATOR OPPENHEIMER: I have the list.

SENATOR STAFFORD: What was the vote?

SENATOR OPPENHEIMER: The vote?

SENATOR STAFFORD: Yes.

SENATOR OPPENHEIMER: By the Region 5?

SENATOR STAFFORD: Yes, Region 5 committee.

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

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

SENATOR OPPENHEIMER: There was never a vote taken.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR STAFFORD: Would you -

SENATOR LEICHTER: Certainly.

SENATOR STAFFORD: I hate to interrupt you.

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

ACTING PRESIDENT FARLEY: Senator Stafford.

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

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

SENATOR STAFFORD: I haven't said a word.

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

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

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

SENATOR LEICHTER: Yes, I did.

SENATOR STAFFORD: And you are a merchant of words.

SENATOR LEICHTER: And I'm a, what?

SENATOR STAFFORD: Merchant of

words.

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

SENATOR STAFFORD: It's complimentary.

SENATOR LEICHTER: Then I accept it.

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

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

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

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

But, Senator, that again under

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

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

ACTING PRESIDENT FARLEY: Senator Stafford.

Senator Leichter, you have the floor.

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

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

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

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

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

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

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

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

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

benefits of that environmental trust fund.

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

ACTING PRESIDENT FARLEY: Senator Johnson.

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

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

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

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

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

But I would say in response to

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

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

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

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

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

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

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

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

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

Oppenheimer again.

Senator Stafford.

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

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

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

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

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

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

"Pull up the ladder, boys. I'm

aboard."

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

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

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

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

People say when the state gets

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR OPPENHEIMER: (Indicating another Senator.)

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

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

ACTING PRESIDENT FARLEY: This is on the amendment.

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

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

ACTING PRESIDENT FARLEY: Sergeant, there is quite a bit of conversation in the back. I'm going to either ask that they stop the conversation or clear the chamber. I have had several members say they cannot hear the speaker.

Senator Oppenheimer.

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

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

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

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

SENATOR STAFFORD: Pardon me?

SENATOR OPPENHEIMER: I thought that -

ACTING PRESIDENT FARLEY: Senator Stafford.

SENATOR STAFFORD: I can't hear you.

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

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

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

SENATOR STAFFORD: Could I also -

ACTING PRESIDENT FARLEY: Senator Stafford.

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

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

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

from the issue before us today.

SENATOR STAFFORD: Is that a question?

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

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

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

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

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

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

SENATOR STAFFORD: Is that a question?

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

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

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

ACTING PRESIDENT FARLEY: Senator Gold.

Oh, Senator Stafford.

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

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

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

What makes me very hopeful is to

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

And I move my amendment at this time.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Thank you, Mr. President.

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

SENATOR GOLD: Yes, thank you.

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

what have you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I don't pretend -

SENATOR STAFFORD: (Inaudible).

SENATOR GOLD: What?

SENATOR STAFFORD: (Inaudible).

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

But what I'm saying, though, it

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

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

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

ACTING PRESIDENT FARLEY: Senator Wright wanted to speak also.

SENATOR JOHNSON: All right. Senator Wright.

SENATOR WRIGHT: Thank you, Senator Johnson.

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

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

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

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

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

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

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

SENATOR STAFFORD: Excuse me.

ACTING PRESIDENT FARLEY: Senator Stafford.

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

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

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

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

Thank you.

ACTING PRESIDENT FARLEY: Senator Johnson, on the amendment.

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

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

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

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

(Response of "Aye.")

Those opposed, nay.

SENATOR PRESENT: Party vote in the negative.

SENATOR GOLD: Party vote in the affirmative.

ACTING PRESIDENT FARLEY: Senator Present, a party vote.

Call the roll on a party vote.

(The Secretary called the roll on the amendment.)

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

ACTING PRESIDENT FARLEY: The amendment is not accepted.

On the bill. Senator Dollinger

on the bill.

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

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

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

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

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

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

SENATOR JOHNSON: Yes, it does.

SENATOR DOLLINGER: It does?

SENATOR JOHNSON: Yes.

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

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

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

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

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

I represent. Is that correct?

SENATOR JOHNSON: That's correct, Senator.

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

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

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

SENATOR JOHNSON: About 15 million.

SENATOR DOLLINGER: About 15 million?

SENATOR JOHNSON: That's correct.

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

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

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

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

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

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

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

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

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

SENATOR JOHNSON: Yes.

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

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

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

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

be purchased during this fiscal year.

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

SENATOR JOHNSON: That's correct.

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

SENATOR JOHNSON: Well, let's hope so.

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

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

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

SENATOR JOHNSON: Senator, did you -

SENATOR DOLLINGER: This year?

ACTING PRESIDENT FARLEY: Excuse me, Senator Dollinger.

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

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

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

ACTING PRESIDENT FARLEY: Okay.

I'm sorry. There is an answer coming.

SENATOR JOHNSON: Would you repeat the question, Senator?

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

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

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

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

So I don't say any budget is

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

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

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

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

SENATOR DOLLINGER: Yes, Mr. President.

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

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

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

(Laughter).

Senator Johnson, do you care to answer that question?

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

ACTING PRESIDENT FARLEY: I understand.

SENATOR DOLLINGER: Mr.

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

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

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

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

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

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

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

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. On the bill.

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

really appropriate ways.

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

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

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

SENATOR DALY: Mr. President.

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

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

SENATOR DALY: Mr. President.

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

SENATOR DALY: Would the Senator yield?

ACTING PRESIDENT FARLEY: Would you yield?

SENATOR DOLLINGER: Be glad to, Mr. President.

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

SENATOR DOLLINGER: Which page, Mr. President?

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

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

amendment thereto has been filed with the state -

SENATOR DALY: "No monies" - please, sir. I'll read it, then. All right?

SENATOR DOLLINGER: Fine. I -

SENATOR DALY: "No monies shall be available for expenditure from this appropriation until a certificate of approval has been issued by the Director of the Budget and a copy of such certificate or any amendment thereto has been filed with the state Comptroller and the chairman of the Senate Finance Committee and the chairman of the Assembly Ways and Means Committee."

SENATOR DOLLINGER: Mr. President, would Senator Daly yield to a question from the question and respond to it?

ACTING PRESIDENT FARLEY: Senator Daly, will you yield to a question?

SENATOR DALY: Yes, I'll yield.

SENATOR DOLLINGER: I agree that that's what this says. My question is, Senator, when in your opinion would that language

actually be triggered?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

taxes are worthless arguments.

ACTING PRESIDENT FARLEY: Senator Dollinger.

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

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

Now after having spent all the

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

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

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

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

ACTING PRESIDENT FARLEY: He will yield.

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

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

passed this Senate this year, correct.

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

SENATOR DOLLINGER: That's correct.

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

SENATOR DOLLINGER: Yes, Mr. President.

ACTING PRESIDENT FARLEY: Yes, he will.

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

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

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

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

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

SENATOR DeFRANCISCO: Would Senator Dollinger yield again?

ACTING PRESIDENT FARLEY: Would you yield again?

SENATOR DOLLINGER: Yes, I will.

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

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

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

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

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

SENATOR DeFRANCISCO: Will Senator Dollinger yield to another question?

ACTING PRESIDENT FARLEY: Would you yield to another question?

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

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

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

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

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

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

SENATOR DeFRANCISCO: And will you support that now?

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

SENATOR DeFRANCISCO: Thank you.

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

I'd just conclude, Mr. President,

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

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

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

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

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

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly.

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

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

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

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

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

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: Senator Sheffer.

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

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

I had the honor, although

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

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

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

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

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

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

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold to explain his vote.

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

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

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

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

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

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

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

I vote in the negative.

ACTING PRESIDENT FARLEY: Senator DeFrancisco to explain his vote.

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

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

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

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

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

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

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

And I vote in the affirmative today.

ACTING PRESIDENT FARLEY: Senator Mendez and then Senator Leichter.

Senator Mendez, you have the floor.

SENATOR MENDEZ: Mr. President.

ACTING PRESIDENT FARLEY: Senator Mendez to explain her vote.

SENATOR MENDEZ: To explain my vote, yes.

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

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

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

I vote no.

ACTING PRESIDENT FARLEY: Senator Leichter.

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

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

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

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

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

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

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

SENATOR LARKIN: Are we on a roll call?

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

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

SENATOR GALIBER: Point of order.

ACTING PRESIDENT FARLEY: Just a

moment.

SENATOR GALIBER: Point of order, Mr. President.

ACTING PRESIDENT FARLEY: What is your point of order?

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

ACTING PRESIDENT FARLEY: No.

SENATOR GALIBER: -- does someone have to object?

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

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

ACTING PRESIDENT FARLEY: That's correct.

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

SENATOR LEICHTER: Yes. So we

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

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

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

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

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

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

I vote no.

ACTING PRESIDENT FARLEY: Senator Daly to explain his vote.

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

deserted us this evening.

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

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

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

I vote yes.

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

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President. To explain my vote.

I'm voting in favor of the bill this afternoon. While I share Senator Cook's concern in terms of the acquisition of more state lands and how those lands are managed and it's certainly indicative of what occurs in my district, I'm also a realist and recognize that we're going to have to achieve a consensus, that in fact the state will be acquiring more land.

So I'm supporting the bill because it places specific controls and restrictions on the process that we go about acquiring that land, but I'm also supporting the bill because it provides assistance to local governments for landfill closures and recycling projects to diminish the cost of those mandates that they are facing.

And equally important, although

not mentioned this afternoon, is the fact that the bill provides funding for a tax abatement program for the forest products industry. And that's the balance that I spoke of earlier in terms of the amendment; that if we're going to protect the environment, we also need to ensure that we provide incentives for job creation, and that's critical in the forest product industry within the Adirondacks.

Therefore, I'm voting for the bill. Thank you.

ACTING PRESIDENT FARLEY: Senator Wright is in the affirmative.

Senator Jones to explain her vote.

SENATOR JONES: To explain my vote.

Actually most of the things that I wanted to stay Senator Daly already has said. Unlike my colleagues, I haven't been here long enough that I'm not willing to trust that somewhere this money is going to come, but Senator Daly made the point that I wanted to

make. I do know there was an element of trust in the transportation fund, that something went wrong, and I was happy to hear you say, Senator, "You're correct" that must be there was an element of trust in the bottle tax that also was violated. So I'm happy to hear that said here on the floor, and I agree with you.

So I am going to support this bill because I can't stand by and let the good things that are in there go by the board, the recycling and the landfill closure and all the other things so important to this state.

But I will give you my word that I will be here talking to you next year very loudly should that trust be violated. I'm willing to give you a chance that this is going to happen, so I am going to support the bill.

ACTING PRESIDENT FARLEY: Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1263 are Senators Connor, Cook, Dollinger, Espada, Gold, Goodman, Leichter, Markowitz, Masiello, Mendez,

Montgomery, Ohrenstein, Onorato, Sears, Smith, Solomon, Stavisky and Waldon. Also Senator Oppenheimer. Ayes 39, nays 19.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT FARLEY: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President. May I have unanimous consent to be recorded in the negative on Calendar Number 1321 passed earlier today.

ACTING PRESIDENT FARLEY: Without objection.

We have some housekeeping - Senator Galiber.

SENATOR GALIBER: Yes. Mr. President, may I have unanimous consent to be recorded in the negative on 1321.

ACTING PRESIDENT FARLEY: Without objection.

We're not done -- we are going to continue the calendar. We're not finished as

yet.

THE SECRETARY: Calendar Number 1316, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8371, Education Law, in relation to the frequency of school census.

SENATOR GOLD: May we have one day on this, please.

ACTING PRESIDENT FARLEY: Senator Johnson, can he have one day on that?

SENATOR JOHNSON: Oh, sure. Sure.

ACTING PRESIDENT FARLEY: Lay that bill aside.

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

SENATOR LEICHTER: Senator Johnson, can you put that over for one day?

SENATOR JOHNSON: Okay.

ACTING PRESIDENT FARLEY: Lay it aside for today.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays 1. Senator Wright recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1336, by Senator Bruno, Senate Bill Number 4782A, an act to amend the -

ACTING PRESIDENT FARLEY: We're getting really noisy in here.

Go ahead continue, Mr. Secretary.

THE SECRETARY: 1336, by Senator Bruno, an act to amend the State Finance Law.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Bruno.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1339, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7832, Real Property Tax Law, in relation to exemptions of certain private dwellings.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Marchi.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1341, by the Senate Committee on Rules, Senate Bill Number 5854A, General Business Law.

SENATOR GOLD: Lay it aside until tomorrow, please.

ACTING PRESIDENT FARLEY: What's your pleasure, Senator Present?

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

SENATOR GOLD: Recognize Senator Montgomery.

ACTING PRESIDENT FARLEY: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President. I would like unanimous consent to be recorded in the negative on Calendar 1321.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR MONTGOMERY: Thank you.

THE SECRETARY: Calendar Number 1344, by Senator Volker, Senate Bill Number 5922, Public Authorities Law, in relation to the Buffalo Port Authority.

SENATOR GOLD: Lay it aside until tomorrow.

ACTING PRESIDENT FARLEY: Senator Present, what's your pleasure?

SENATOR PRESENT: Lay that one aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Mr. President, on page 44, I offer the following amendments to Calendar 1141, Senate Print 5584, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

Senator Daly.

SENATOR DALY: I wish to call up my bill, Senate Print 5952A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Daly, Senate Bill Number 5952A, an act to amend the Environmental Conservation Law.

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

ACTING PRESIDENT FARLEY: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT FARLEY: The bill is before the house.

SENATOR DALY: May the bill be restored to the order of third reading.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR DALY: I now move to discharge from the Committee on Rules Assembly Print Number 8104A and substitute it for my identical bill.

ACTING PRESIDENT FARLEY: Substitution is ordered. Read the last section of the Assembly bill.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Unanimous.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Mega.

SENATOR MEGA: Mr. President. On behalf of Senator Goodman, on page 25, I offer the following amendments to Calendar Number 1108, Senate Print Number 1622, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR MEGA: On behalf of Senator Goodman, on page 34, I offer the following amendments to Calendar Number 1331, Senate Print Number 4446, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Holland.

SENATOR HOLLAND: Mr. President. I wish to call up my bill, Print Number 5421A, recalled from the Assembly, which is now at the

desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Holland, Senate Bill Number 5421A, direct the Commissioner of Social Services to convene a work group.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT FARLEY: The bill is before the house.

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

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

SENATOR HOLLAND: Mr. President, on page number 40, I offer the following

amendments to Calendar Number 381, Senate Print Number 48-A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection. Three substitutions.

THE SECRETARY: On page 7, Senator Seward moves to discharge the Committee on Rules from Assembly Bill Number 8273A and substitute it for the identical Third Reading 315.

On page 31, Senator Spano moves to discharge the Committee on Rules from Assembly Bill Number 8485a and substitute it for the identical Third Reading 1297.

On page 44, Senator Skelos moves to discharge the Committee on Rules from Assembly Bill Number 3538A and substitute it for the identical Third Reading 1068.

ACTING PRESIDENT FARLEY: Substitutions are ordered.

Senator Present, that looks like it.

SENATOR PRESENT: Mr. President.

There being no further business, I move that we adjourn until tomorrow at 1:30 p.m.

ACTING PRESIDENT FARLEY: Senate stands adjourned until tomorrow at 1:30.

(Whereupon, at 8:00 p.m., Senate adjourned.)