ALBANY, NEW YORK

June 29, 1993

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR STAN LUNDINE, President

STEPHEN F. SLOAN, Secretary

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

... At 2:30 p.m...

SENATOR PRESENT: I'd like to announce an immediate meeting of the Rules Committee in Room 332.

... At 3:05 p.m...

THE PRESIDENT: The Senate will come to order. Senators will please find their places. Like to ask everyone present to rise and repeat the Pledge of Allegiance with me.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

Please be seated. In the absence of visiting clergy, may we bow our heads in a moment of silence.

(A moment of silence was observed.)

Secretary will read the Journal.

THE SECRETARY: In Senate, Monday, June 28th. The Senate met pursuant to adjournment. The Journal of Sunday, June 27th, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Hearing no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Secretary will read.

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

Senate Bill Number 1196-A, by Senator Levy, to establish a temporary state commission on real property taxation;

1770, by Senator Waldon, authorize the city of New York to reconvey its interest in certain real property;

2745, by Senator LaValle, General Municipal Law;

3527-B, by Senator Tully, to provide for payment of allowances to private, blind and deaf schools;

40 -- 4416, by Senator Maltese, an act to amend the Executive Law;

4525, by Senator Sheffer, to amend the Parks, Recreation, Historic Preservation Law;

4552-A, by Senator Sheffer, Parks, Recreation, Historic Preservation Law;

4756-A, by Senator Daly, Public Authorities Law;

4983, by Senator Nolan, to allow Olga M. Dwyer to transfer credit earned in the New York State Teachers' Retirement System;

5072-B, by Senator Johnson, Environmental Conservation Law;

5111-A, by Senator Saland, Social Services Law;

5255-A, by Senator Daly, Not-for-Profit Corporation Law;

5582-A, by Senator Saland, Domestic Relations Law and the Family Court Act;

5665, by Senator Padavan, amends Chapter 611 of the Laws of 1977;

5702-A by the Committee on Rules, amends Chapter 879 of the Laws of 1936;

5756, by Senator Volker, Public

Health Law;

5794, by Senator Connor, Election Law;

5895, by Senator Sheffer, Education Law;

5926, by Senator Hannon, amends Chapter 50 of the Laws of 1993;

5974, by Senator Trunzo, an act to amend the Highway Law, highway system in Suffolk County, reported with amendments;

6003, by Senator Cook, Retirement and Social Security Law;

6009, by Senator Daly, Not-for-Profit Corporation Law;

And 6049, by the Committee on Rules, amends Chapter 814 of the Laws of 1987.

All bills reported directly for third reading.

THE PRESIDENT: Third reading. O.K.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions. Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I have five motions here. On behalf of Senator DeFrancisco, on page 18, I offer the following amendments to Calendar 846, Senate Print 4477-A, and I ask that that bill retain its place on the Third Reading Calendar.

On behalf of Senator Padavan, on page 27, I offer the following amendments to Calendar Number 1213, Senate Print 4704-B, and ask that that bill retain its place.

On behalf of Senator Daly, on page 34, I offer the following amendments to Calendar Number 1358, Senate Print Number 1092, and I ask that that bill retain its place on the Third Reading Calendar.

On behalf of Senator LaValle, on page 29, I offer the following amendments to Calendar Number 1308, Senate Print 3176, and I ask that that bill retain its place on the Third Reading Calendar.

On behalf of Senator Maltese, on page 40, I offer the following amendments to Calendar Number 1400, Senate Print 5977, and I ask that that bill retain its place on the Third Reading Calendar.

SENATOR PRESENT: Mr. President.

THE PRESIDENT: Senator Present.

SENATOR PRESENT: I wish to call up my bill, 2426-A, recalled from the Assembly which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Present, Senate Bill Number 2426-A, an act to amend the Agriculture and Markets Law and the Economic Development Law.

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

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

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

THE PRESIDENT: Amendments received.

SENATOR PRESENT: Mr. President, on page 40, I offer the following amendments to Calendar Number 1406, Senate Print 6020, and ask that it retain its place on the Third Reading Calendar.

THE PRESIDENT: Without objection, so ordered.

SENATOR PRESENT: Mr. President, on page 33, I offer the following amendments to Calendar 1348, Print 5951, and ask that it retain its place on the calendar.

THE PRESIDENT: So ordered.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, on page 27, I offer the following amendments to Calendar 1185, Senate Print Number 5364, and ask that the said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR STACHOWSKI: Mr. President, on page 16, I offer the following amendments to calendar 792, Senate Print Number 1477, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Without objection, so ordered.

SENATOR STACHOWSKI: Thank you.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Mr. President, I wish to call up my bill, Senate Print 2736, recalled from the Senate which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Larkin, Senate Bill Number 2736, an act to amend the Real Property Tax Law, in relation to assessment disclosure notices.

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

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

SENATOR LARKIN: Offer the following amendments.

THE PRESIDENT: Amendments received.

Senator Libous.

SENATOR LIBOUS: Mr. President, I'd like to remove a star on Calendar 893, Senate Print 2344-B, which is my bill.

THE PRESIDENT: So ordered.

SENATOR LIBOUS: And I have some amendments.

On behalf of Senator Saland, Mr. President, I wish to call up his bill 4969-A, recalled from the Assembly which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator

Saland, Senate Bill Number 4969-A, an act to amend the Public Authorities Law.

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

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

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

THE PRESIDENT: Amendments received.

SENATOR LIBOUS: Mr. President, on behalf of Senator Daly, I wish to also call up his Bill Number 5200 recalled from the Assembly which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Daly, Senate Bill Number 5200, Environmental Conservation Law.

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

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

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

THE PRESIDENT: Amendments received.

Senator Volker.

SENATOR VOLKER: Mr. President, I wish to call up my bill, Senate Print Number 3401-A, recalled from the Assembly which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Volker, Senate Bill Number 3401-A, an act to amend the Civil Practice Law and Rules.

SENATOR VOLKER: Mr. President, I

now move to reconsider the vote by which this bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

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

THE PRESIDENT: Amendments received.

Senator Mega.

SENATOR MEGA: Mr. President, on behalf of Senator Lack, on page 18, I offer the following amendments to Calendar Number 864, Senate Print Number 4768-A, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR MEGA: On behalf of Senator Sears, Mr. President, on page 6, I offer the following amendments to Calendar Number 178, Senate Print 1129-A, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

Secretary will read.

THE SECRETARY: On page 11 of today's calendar, Senator Spano moves to discharge the Committee on Rules from Assembly Bill Number 1335-C and substitute it for the identical Third Reading 598.

On page 24, Senator Holland moves to discharge the Committee on Rules from Assembly Bill Number 7933-A and substitute it for the identical Calendar 1042.

On page 33, Senator Farley moves to discharge the Committee on Rules from Assembly Bill Number 5032 and substitute it for the identical Calendar Number 1354.

On page 34, Senator Spano moves to discharge the Committee on Rules from Assembly Bill Number 1818-A and substitute it for the identical Third Reading 1356.

On page 34, Senator Waldon moves to discharge the Committee on Rules from Assembly Bill Number 2989 and substitute it for the identical Third Reading 1360.

On page 34 also, Senator Goodman moves to discharge the Committee on Rules from Assembly Bill Number 4225-A and substitute it for the identical Third Reading 1363.

On page 35, Senator Holland moves to discharge the Committee on Rules from Assembly Bill Number 7146, and substitute it for the identical Third Reading 1367.

On page 35, Senator Larkin moves to discharge the Committee on Rules from Assembly Bill Number 7157-A, and substitute it for the identical Third Reading 1369.

On page 35, Senator Hannon moves to discharge the Committee on Judiciary from Assembly Bill Number 1523 and substitute it for the identical Third Reading 1371.

On page 36, Senator Maltese moves to discharge the Committee on Rules from Assembly Bill Number 7961 and substitute it for the identical Third Reading 1372.

On page 36, Senator Saland moves to discharge the Committee on Rules from Assembly Bill Number 7190-A and substitute it

for the identical Third Reading 1373.

On page 36, Senator Trunzo moves to discharge the Committee on Rules from Assembly Bill Number 7710-A and substitute it for the identical Third Reading 1374.

On page 35, Senator Mega moves to discharge the Committee on Rules from Assembly Bill Number 8292 and substitute it for the identical Third Reading 1375.

On page 36, Senator Tully moves to discharge the Committee on Rules from Assembly Bill Number 6971-A and substitute it for the identical Third Reading 1377.

On page 37, Senator Lack moves to discharge the Committee on Rules from Assembly Bill Number 5916, and substitute it for the identical Third Reading 1382.

On page 37, Senator Tully moves to discharge the Committee on Rules from Assembly Bill Number 8139-A and substitute it for the identical Third Reading 1383.

On page 37, Senator Mega moves to discharge the Committee on Rules from Assembly

Bill Number 7866-A and substitute it for the identical Third Reading 1388.

On page 38, Senator Ohrenstein moves to discharge the Committee on Rules from Assembly Bill Number 7974, and substitute it for the identical Third Reading 1390.

On page 38, Senator Galiber moves to discharge the Committee on Rules from Assembly Bill Number 8586, and substitute it for the identical Third Reading 1394.

On page 39, Senator Holland moves to discharge the Committee on Rules from Assembly Bill Number 8204 and substitute it for the identical Third Reading 1396.

On page 39, Senator Holland moves to discharge the Committee on Rules from Assembly Bill Number 8207 and substitute it for the identical Third Reading 1399.

And on page 40, Senator Skelos moves to discharge the Committee on Rules from Assembly Bill Number 8480, and substitute it for the identical Third Reading 1401.

THE PRESIDENT: Substitutions

ordered.

Senator Present.

SENATOR PRESENT: Mr. President, I move that we adopt the Resolution Calendar which is on our desks.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The ayes have it. The resolutions are adopted.

Senator Present.

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

THE PRESIDENT: Secretary will read.

THE SECRETARY: On page 4, Calendar Number 51, by member of the Assembly Vitaliano, Assembly Bill Number 2266, Civil Service Law, in relation to age requirement for provisional or permanent appointment.

THE PRESIDENT: 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 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 174, by Senator Farley, Senate Bill Number 1922, amends Chapter 883 of the Laws of 1980, amending the Banking Law.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 1883, by Senator Marino, Senate Bill Number 1776-A, authorize the city of Glen Cove, Nassau County, to sell certain parcels of real property.

THE PRESIDENT: There is a home rule message at the desk. 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 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 276, by Senator Levy, Senate Bill Number 193-A, an act to amend the Railroad Law and the Public Authorities Law.

THE PRESIDENT: 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 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 395, by Senator Kuhl.

SENATOR PRESENT: Lay aside for today.

THE PRESIDENT: I'm sorry,

Senator.

SENATOR PRESENT: Lay 395 aside for the day, also 471.

THE PRESIDENT: O.K. The bills are laid aside for the day.

THE SECRETARY: Calendar Number 729, by Senator Saland, Senate Bill Number 3105-D, an act to amend the General Business Law.

THE PRESIDENT: 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 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 841, by Senator DeFrancisco, Senate Bill Number 3716-A, an act to amend the Military Law.

SENATOR DOLLINGER: Would you lay that aside, please.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 870, by Senator Hannon, Senate Bill Number 4900-B, Emergency Housing Rent Control Law.

THE SECRETARY: Lay it aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 987, by Senator Skelos, Senate Bill Number 2094, an act to amend the Executive Law.

THE PRESIDENT: 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 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1068, by member of the Assembly DiNapoli, Assembly Bill Number 3538-A, Education Law, in relation to shared personnel.

THE PRESIDENT: 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 -

SENATOR FARLEY: What number is that?

THE PRESIDENT: Calendar Number 1068.

THE SECRETARY: Ayes 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1086, by Senator Volker, Senate Bill Number 4629-A, to provide service credit in the New York State and local retirement system.

THE PRESIDENT: There is a home rule message at the desk. 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 44, nays 2,

Senators Gold and Leichter recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1158, by member of the Assembly Connelly, Assembly Bill Number 2396-A, Environmental Conservation Law.

SENATOR GOLD: Lay it aside, please.

THE PRESIDENT: Bill is laid aside.

SENATOR DALY: Mr. President.

THE PRESIDENT: Senator Daly.

SENATOR DALY: With unanimous consent, could I be voted in the negative on Senate 2048-A, Calendar 1068.

THE PRESIDENT: Without objection, so ordered.

THE SECRETARY: Calendar Number 1161, by Senator Spano, Senate Bill Number 2717, an act to amend the Local Finance Law.

THE PRESIDENT: There is a home

rule message at the desk. 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.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1250, by Senator Hannon, Senate Bill Number 4897, Administrative Code of the city of New York.

SENATOR LEICHTER: Lay it aside.

SENATOR PRESENT: Lay aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: 1251, by Senator Lack.

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

THE PRESIDENT: Bill is laid aside for the day.

THE SECRETARY: Calendar Number

1262, by Senator Johnson.

SENATOR JOHNSON: Will you lay that aside for the day.

THE PRESIDENT: Bill is laid aside for the day.

THE SECRETARY: Calendar Number 1297, by the Assembly Committee on Rules, Assembly Bill Number 8485-A, authorizing the Commissioner of General Services to sell and convey to the village of Elmsford in the county of Westchester certain lands.

THE PRESIDENT: Last section.

THE SECRETARY: Section 2.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

SENATOR GOLD: Hold on. Let it go. Last section.

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.

THE PRESIDENT: The bill is passed.

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

SENATOR GOLD: Lay it aside, please.

THE PRESIDENT: Bill is laid aside.

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

THE PRESIDENT: Last section.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 1326, by Senator Trunzo, Senate Bill Number 3463.

SENATOR TRUNZO: Lay that aside for the day, 1326.

THE PRESIDENT: 1326, yes, the bill is laid aside for the day.

THE SECRETARY: Calendar Number 1329, by Senator Cook.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 1333, by Senator Bruno, Senate Bill Number 4601-A, Economic Development Law, in relation to the preparation of performance plans.

SENATOR GOLD: Lay aside.

THE PRESIDENT: Bill is laid aside.

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

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number

1338, by Senator Hannon.

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

THE PRESIDENT: Bill is laid aside for the day.

THE SECRETARY: Calendar Number 1339, by the Assembly -

SENATOR GOLD: Lay aside, please.

THE PRESIDENT: Bill is laid aside.

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

THE PRESIDENT: 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.

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 VOLKER: Lay that bill aside for today, please.

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

THE SECRETARY: Calendar Number 1347, by Senator Johnson.

SENATOR GOLD: Lay aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 1354, substituted earlier today, by member of the Assembly Murtagh, Assembly Bill Number 3502.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 1356, substituted earlier today, by member of the Assembly Connelly, Assembly Bill Number 1818-A, an act to amend the Insurance Law.

THE PRESIDENT: 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.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1357, by Senator Present, Senate Bill Number 1064, an act to amend the Tax Law.

THE PRESIDENT: 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.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1359, by Senator Johnson, Senate Bill Number 1109-A, Environmental Conservation Law and the Navigation Law.

SENATOR GOLD: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1360, substituted earlier today, by member of the Assembly Jenkins, Assembly Bill Number 2989, authorizing the city of New York to reconvey its interest in certain real property.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1361, by Senator Farley, Senate Bill Number 1924, to authorize Harold K. Warner -

SENATOR LEICHTER: Lay aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number

1362, by Senator Saland, Senate Bill Number 2138, an act to amend the Real Property Tax Law.

SENATOR LEICHTER: Lay aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1363, substituted earlier today, by member of the Assembly Feldman, Assembly Bill Number 4225-A, an act to amend the Vehicle and Traffic Law.

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

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1364, by Senator Skelos, Senate Bill Number 2623-A, an act to amend the Tax Law.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number

1366, by Senator Tully, Senate Bill Number 3335, an act to amend the Insurance Law.

SENATOR SOLOMON: Lay aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 1367, substituted earlier today, by member of the Assembly Jacobs, Assembly Bill Number 7146, an act to amend the Social Services Law.

THE PRESIDENT: 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.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1368, by Senator Farley, Senate Bill Number 4111-B, an act to amend the Banking Law and the Vehicle and Traffic Law.

THE PRESIDENT: 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.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1369, substituted earlier today, by member of the Assembly Stringer, Assembly Bill Number 7157-A, Real Property Tax Law and the Town Law.

THE PRESIDENT: 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 one, Senator Pataki recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1370, by Senator DeFrancisco, Senate Bill Number 4136, an act to amend the Tax Law.

THE PRESIDENT: Last section.

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

SENATOR LEICHTER: Lay aside.

THE SECRETARY: Bill is laid aside.

SENATOR HOLLAND: Mr. President, with unanimous consent, I'd like to be recorded in -

THE PRESIDENT: Senator Holland.

SENATOR HOLLAND: With unanimous consent, I'd like to be recorded in the negative for Calendar Number 1369.

THE PRESIDENT: Without objection, it's so ordered.

THE SECRETARY: Calendar Number 1371, substituted earlier today, by member of the Assembly Lasher, Assembly Bill Number 1523, an act to amend the Real Property Law.

SENATOR GOLD: Lay it aside.

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

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

THE SECRETARY: Calendar Number 1372, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7961, an act to amend the Correction Law.

THE PRESIDENT: 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.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1373, substituted earlier today, by member of the Assembly E. Hill, Assembly Bill Number 7190-A, Social Services Law and the Domestic Relations Law.

THE PRESIDENT: 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 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1374, substituted earlier today, by the Assembly Committee on Rules.

SENATOR GOLD: Lay it aside, please.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 1375, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8292, Eminent Domain Procedure Law.

SENATOR GOLD: Lay aside.

THE SECRETARY: The bill is laid aside.

THE SECRETARY: Calendar Number 1376, by Senator Cook, Senate Bill Number 4754, to grant permanent competitive civil service status to certain employee.

THE PRESIDENT: There is a home rule message at the desk. 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, nays one, Senator Leichter recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1377, substituted earlier today, by member of the Assembly Hochberg, Assembly Bill Number 6971-A, General Business Law, in relation to home use medical diagnostic devices.

THE PRESIDENT: 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 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1378, by Senator Volker, Senate Bill Number 4944, an act to amend the Civil Rights Law.

THE PRESIDENT: Last section.

THE SECRETARY: Section 2. This act shall take effect immediately. Do you want it laid aside?

SENATOR LEICHTER: Just want to vote in the negative.

SENATOR DOLLINGER: Lay aside.

THE SECRETARY: Calendar Number 1379, by Senator Maltese, Senate Bill Number 5149, Correction Law, in relation to the appointment of correction officers.

THE PRESIDENT: 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 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1380, by Senator Volker, Senate Bill Number 5156, an act to amend the Criminal Procedure Law.

THE PRESIDENT: 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 50, nays 1, Senator Pataki recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1381, by Senator Daly, Senate Bill Number 5256-A, Private Housing Finance Law.

THE PRESIDENT: Last section.

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

SENATOR LEICHTER: Lay it aside, please.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 1382, substituted earlier today, by member of the Assembly Bragman, Assembly Bill Number 5916, amends Chapter 698 of the Laws of 1988, amending

the Labor Law.

THE PRESIDENT: 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 1383, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8139-A, extension of the statute of limitations for commencing a cause of action.

THE PRESIDENT: 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

1384, by Senator Daly, Senate Bill Number 5275-C, an act to amend the Public Health Law and the Estates, Powers and Trusts Law.

THE PRESIDENT: 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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number -- excuse me, ayes 52, nays one, Senator Kuhl recorded in the negative, on Calendar 1384.

Calendar Number 1387, by Senator Johnson, Senate Bill Number 5339-A, an act to amend the State Finance Law.

THE PRESIDENT: 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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number -

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Mr. President, I ask unanimous consent to be recorded in the negative on Calendar Number 1384.

THE PRESIDENT: Without objection, so ordered.

THE SECRETARY: Calendar Number 1388, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7866-A, Civil Service Law and the Administrative Code of the city of New York.

THE PRESIDENT: 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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1389, by Senator Pataki, Senate Bill Number 5576 -A.

SENATOR DOLLINGER: Lay aside.

THE PRESIDENT: Bill is laid aside. Senator Dollinger.

THE SECRETARY: Calendar Number 1390, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7974, authorizing the city of New York to reconvey its interest in certain real property.

THE PRESIDENT: There is a home rule message at the desk. 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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1391, by Senator Lack, Senate Bill Number 5886-A, an act to amend the Workers'

Compensation Law.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1392, by Senator Volker, Senate Bill Number 5915-A, temporarily exempt from medical licensure requirements physicians.

THE PRESIDENT: Last section.

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

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1393, by Senator Daly, Senate Bill Number 5927, an act to amend the Executive Law.

THE PRESIDENT: 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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1394, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8586, authorizing the city of New York to reconvey its interest in certain real property.

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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1395, by Senator Wright, Senate Bill Number 5944, an act to amend the Real Property Tax Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1396, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8204, amends Chapter 333 of the Laws of 1989, establishing 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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1398, by Senator Levy, Senate Bill Number 5970, Education Law and the Local 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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1399, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8207, amends Chapter 710 of the Laws of 1988, amending the Social Services Law.

SENATOR HOLLAND: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1401, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8480, 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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1402, by Senator Lack, Senate Bill Number 5988, amends Chapter 666 of the Laws of 1990.

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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1403, by Senator Larkin, Senate Bill Number 5989, amends Chapter 680 of the Laws of 1976, amending the Local 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.)

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1404, by Senator Tully, Senate Bill Number 5992, 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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1405, by the Senate Committee on Rules, Senate

Bill Number 6000, an act to amend the Civil Service 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 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1407, by Senator Larkin, Senate Bill Number 6042, an act to amend the Education Law.

THE PRESIDENT: There is a local fiscal impact note 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 53.

THE PRESIDENT: The bill is

passed.

That completes action on the non-controversial.

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

THE PRESIDENT: Secretary will read.

THE SECRETARY: On page 5, Calendar Number 174, by Senator Farley, Senate Bill Number 1922 -

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

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

THE SECRETARY: Calendar Number 841 by -- on page 17, Calendar 841, by Senator DeFrancisco, Senate Bill Number 3716A, Military Law.

SENATOR GOLD: Hold on one second, please. I yield to Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I just rise to ask to be excused on

this bill. I am currently involved in litigation with a private litigant over these issues, and I feel to avoid an appearance of a conflict of interest, I should be excused.

THE PRESIDENT: Without objection, so ordered.

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 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 870, by Senator Hannon, Senate Bill Number 4900B, Emergency Housing Rent Control.

SENATOR GOLD: Lay it aside.

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

SENATOR PRESENT: Temporarily.

THE PRESIDENT: Temporarily.

THE SECRETARY: Calendar Number 1158, by member of the Assembly Connelly, Assembly Bill Number 2396A, Environmental Conservation Law.

SENATOR LEICHTER: Explanation.

SENATOR MARCHI: Lay it aside.

THE PRESIDENT: The bill is laid aside.

SENATOR LEICHTER: Is that for the day or the session?

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1250, by Senator Hannon, Senate Bill Number 4897, an act to amend the Administrative Code of the city of New York.

SENATOR LEICHTER: Explanation.

SENATOR GOLD: Explanation requested.

THE PRESIDENT: Explanation is requested.

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid

aside.

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

SENATOR GOLD: Explanation.

THE PRESIDENT: Explanation is requested. Senator Johnson.

SENATOR GOLD: Senator Johnson, there are a number of other education bills which we have been discussing between our staff and the Majority Leader's staff, and I would be more comfortable if we laid this bill aside until we got an answer from the Majority Leader's staff on some of our bills. It may be when that answer comes through it will clarify some of the issues on your bill.

Would you consent to lay it aside.

SENATOR JOHNSON: Senator, is that going to be today or on another day?

SENATOR GOLD: I don't know. Senator Johnson, I don't know. I'm hoping that

the powers that be understand the lightning and we start to get some answers. But for the time being if you want to lay it aside, we might wind up saving some debate.

SENATOR JOHNSON: Senator, I am being pressed by the Assembly sponsor who already passed this bill to get it going. So I'll lay it aside today, Senator, and hope we can take it up tomorrow.

SENATOR GOLD: Thank you.

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

THE SECRETARY: Calendar Number 1323, by Senator Johnson, Senate Bill Number 2121A, Real Property Tax Law.

SENATOR LEICHTER: Explanation.

THE PRESIDENT: Explanation is requested. Senator Johnson.

SENATOR JOHNSON: Mr. President. This bill provides that property can be improved and only -- the assessment, the increased assessment be phased in on the tax rolls over a period of eight years.

This is a statewide bill sponsored in the Assembly by Assemblyman Pillittere. I would have preferred, quite frankly, to pass a bill confined to Suffolk County but the Assembly doesn't care to do that. So this bill is before us. It's optional on any municipalities.

It's a good bill. It would encourage property improvement. It is very similar to a bill -- I believe it may be on the calendar right now. Senator Marchi is extending this type of exemption for home improvements in the city of New York. This is something that we need in the balance of the state, and certainly in our county we'd like to have if adopted.

SENATOR LEICHTER: Mr. President.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Yes. Would Senator Johnson yield, please?

SENATOR JOHNSON: Yes.

SENATOR LEICHTER: Senator, I don't have the memorandum on this bill. What's the fiscal impact?

SENATOR JOHNSON: There is no fiscal impact on anyone except communities which decide to opt into it, and probably the impact is they would have more home improvements than they presently have and in addition to increased sales of building products, increased work by contract and increased payrolls, and so forth. That is the fiscal impact, Senator, but there is no negative impact on the state of New York.

SENATOR LEICHTER: Well, Senator Johnson -

SENATOR JOHNSON: Senator, would you like a memo? Would you like to have a copy of the memo? Would it be helpful to you?

SENATOR LEICHTER: No, I believe that you described the optimistic forecast that you made. My question is, you know, we see a lot of bills that we know will have a fiscal impact. Obviously, if a community opts into this and gives up some tax revenue, real estate taxes, that has a fiscal impact.

Now, Senator Johnson, your answer

is, yes, but it's going to stimulate so much construction that you're actually going to raise more monies in the community through various means. But my question to you is, have you seen any study on this, Senator, which shows that in fact these programs do create new construction, do add to the tax base, or is this anecdotal or your instinct or intuition?

SENATOR JOHNSON: All of the above.

SENATOR LEICHTER: That's what I thought, Senator.

SENATOR JOHNSON: But, Senator, I'd like to ask if you are going to vote against the continuation of a similar exemption for New York City? If you are then I'd say you should vote against this. On the other hand, if you think it's appropriate for New York City residents to have the opportunity to improve their residences without immediately getting hit with one hundred percent increase in the tax or one hundred percent of the value increase, then, therefore, you should follow, I think, likewise

and support this. On the other hand, if you think it's negative in New York City and the state, you should do that.

But, Senator, let me say that if no one builds anything, nothing happens, and that work is not there and that increased tax revenue is not there. We're trying to let people ease into the increased tax bill they will have as a result of improving their homes.

SENATOR LEICHTER: Senator, I think you make a good point about consistency and if it makes sense for New York City will it make sense upstate, and I'm, frankly, not sure yet really how to vote on this bill or Senator Marchi's bill. Actually I laid Senator Marchi's bill aside, as I believe did some other people.

My concern with these bills, Senator, is that often they do carry a large price tag. We've seen it in New York in the exemption program for -- that ended up being an exemption program for luxury housing. We saw it in New York for commercial programs, where we gave enormous subsidies for commercial

development, for instance, along in the Times Square area. Development that would have occurred in any -- would have occurred even without this benefit.

What I'm just concerned about, how much of a valid incentive is it, or are we just giving people a tax exemption for something they were going to do anyhow and thereby eroding the tax base or limiting the tax base of the community?

SENATOR JOHNSON: Senator, let me explain something to you. This bill does not reduce the exemption on any existing property; so, therefore, there is no way this could be a loss to any community. On the other hand, if people do improve their properties, the assessment will phase in over eight years, where under the present system -- a real disincentive, I might say -- if you improve your property, you immediately have an increase of 1,000, 2,000, or whatever, taxes on your house.

Some people are afraid to improve their property because they don't know how they

are going to pay the present tax bill let alone next year's tax bill. So this is really an incentive to improve property. As you know, Senator, you tax something, you get less of it and you are getting less construction because of the taxes. And if you subsidize something to some extent, you get more of it.

And we're having a sort of a subsidization by the balance of the community if that's the wish of the ruling council or board or whatever over in a community. And, Senator, I say if it's good for New York City it's good for the rest of the state.

And I might say I have been entreated by the city of Rochester to please pass this bill because they want this to improve their community, and Assemblyman Pillittere, as I understand, might be a Democrat, and he wants this bill. The Long Island Association wants this bill because they want some economic activity in our state and in our region.

And as you know, it's been said before, many times, that we've lost over 40

percent of the jobs in the recent recession that we have been enjoying in this state. It's time to do something affirmative to get a little economic activity going without any negative downsizing -- the jobs, the increased sales of building materials, plumbing materials, and so forth. It's definitely an upbeat thing for the economy, and we should be permitted to do that without penalizing people.

SENATOR LEICHTER: Senator, one final question, if you would be so good as to yield. Is this solely for residential properties?

SENATOR JOHNSON: Yes.

SENATOR LEICHTER: And would that also be for apartment buildings or is this defined in some way to be limited?

SENATOR JOHNSON: Residential buildings. It says "residential buildings." Our bill had up to two-family buildings. Let me see what this says, here.

Okay. Two families, Senator, page 2, line 50. One- or two-family homes.

SENATOR LEICHTER: Which line was that, Senator?

SENATOR JOHNSON: Page 2, line 50.

SENATOR LEICHTER: Okay. Senator, you were eloquent as always, and you have convinced me.

SENATOR JOHNSON: Thank you, Senator.

THE PRESIDENT: Senator Jones.

SENATOR JONES: On the bill, Mr. President. I just wanted to add my support to what Senator Johnson has already said. The city of Rochester is extremely interested in the passage of this bill. Ninety-seven percent of the houses in Rochester are over ten years old and the revitalization of the neighborhood is very critical to the city.

So they are very much in support of this bill and feel it would be a great attribute to the city to be able to offer this extension and as a result get the property improved. So I would like to support this bill.

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 53, nays 1. Senator Cook recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1329, by Senator Cook, Senate Bill Number 4177, an act to grant retroactive membership in retirement benefits from the New York State and local employees retirement system.

SENATOR GOLD: Explanation, please.

SENATOR COOK: Mr. President. According to the information I have, Ruth Rauscher was employed by the Eldred School District from September '78 to May of '91. The Sullivan County School District participated in the New York State employees retirement system,

but through no fault of her own Ruth Rauscher did not become a member of the system in 1978. Under this legislation, Ruth Rauscher shall be deemed to have been retired from such employment in May of '91 and, therefore, be eligible for all retirement benefits as any other member with like service credit of age as herself provided she files an application with the Comptroller on or before December 31st.

SENATOR GOLD: Will Senator yield to a question?

SENATOR COOK: Yes.

SENATOR GOLD: Senator Cook, I admire your ability, so I am not shocked to see that you have picked up on the -- what I call the Goodhue excuse, quotes, "through no fault of her own." What does that mean? In this case what is not her fault?

SENATOR COOK: That means that when a person is employed the assumption is that the employing body will inform the individual of all the rights and the opportunities that they have and that they will see to it that the

necessary papers are filed so that this person becomes a member of the system. Unfortunately, when you are dealing with small entities, occasionally the personnel who are doing the hiring are not highly trained personnel people and for some reason or another they don't file the necessary papers.

In this case, the school district has admitted that in fact that was the case, and they are prepared to pay the freight.

SENATOR GOLD: Will you yield to a question, Senator?

SENATOR COOK: Yes.

SENATOR GOLD: You say the school district said that wasn't the case. I assume when she became employed there was somebody who handled her employment, her application, her paperwork. Isn't that so?

SENATOR COOK: I'm sorry.

SENATOR GOLD: There was some human who handled her paperwork?

SENATOR COOK: Apparently.

SENATOR GOLD: Well, Senator,

would you yield to another question?

SENATOR COOK: Yes.

SENATOR GOLD: Do you know who that human was and whether that human was involved in any other individuals who became employed?

SENATOR COOK: I assume they probably were, Senator. There is no explanation as to why this person's records are different from other people's. Somebody dropped the ball. She assumed she was a member of the system. She was not a member of the system. Nobody, frankly, has an explanation, except that for some reason the paperes didn't get filed.

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

SENATOR COOK: Yes.

SENATOR GOLD: You are saying that nobody has an explanation and, therefore, we're assuming that the woman was not given information, which she may very well have been given, or that she filed papers or somebody lost it. We don't know what happened.

SENATOR COOK: That's exactly the case.

SENATOR GOLD: We do not know anything other than the fact that this woman is not a member of the system.

SENATOR COOK: Senator.

SENATOR GOLD: Yes.

SENATOR COOK: If a person is employed they are supposed to become a member of the employees retirement system; correct?

SENATOR GOLD: I don't know.

SENATOR COOK: They are employed by a public entity.

SENATOR GOLD: Yeah.

SENATOR COOK: That's mandatory. Whoever is the clerk of the employer under normal circumstances fills out these papers, mails them to the retirement system. It's not the employee who does these things, normally. It's the clerk of the district. It's their responsibility to do this. It's the same thing as you don't mail your W form in -- W-4 form in to the Internal Revenue Service. The employer

does that. You don't send your Blue Cross - 0-0-0 that name. You don't send your health insurance registration in to the insurance company. The employer does that. In this case, for some reason that nobody understands, the employer did not do this. Now, the situation would be, I suppose, if it were health insurance you would be expecting a membership card. But, you know, with non-contributory retirement systems, you don't have any evidence of that. The employee frankly doesn't really know that the employer is paying a premium in to the sys tem for them, so they don't get any information about that. And this person suddenly woke up one day and found out that this piece of paper that was supposed to go to Albany never went, and that's really the situation. And, you know, where could it be? It could be under the desk. You know, it could have been dropped on the way to the post office. Nobody knows.

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

SENATOR COOK: Sure.

SENATOR GOLD: Senator, the woman become employed in 1978. In December of 1978, was there a mandatory system in place in in locality?

SENATOR COOK: I think that, Senator, and I could stand to be corrected, but I think that all public employees are -- have to join the retirement system. I may be incorrect on that.

SENATOR GOLD: Senator Cook, if you will yield to a question?

SENATOR COOK: Yes.

SENATOR GOLD: One thing I'm very sympathetic about, Senator, is when a legislator says to me they are not sure about something, because we vote some 2,000 times in this place, and as you and I both know, maybe 800 of those are one-house bills, so you try to get them out of your mind and then the Governor vetoes some.

So when people in my law firm ask me questions, I say, "You better check the book because I don't want to get confused." But my understanding, Senator, is that a number of

years ago there were options as to whether or not people joined or not joined.

SENATOR COOK: Senator, I'm told that you are correct.

SENATOR GOLD: That I am correct?

SENATOR COOK: That it was optional at that time.

SENATOR GOLD: So, Senator, that's -- I think today it may not be, but I think then it was.

So, Senator Cook, now I ask you to just take one more step back. If the system was optional, and somebody didn't take the option, and now we come here in 1993. The woman went to work in 1978. I think it's absurd for us to be putting people into pension systems some fifteen years or more after they started work, when the bottom line is that you and I both know, Senator Cook -- at least I know and I'm telling you -- that is there were people who elected not to be part of the system.

Senator, I have people who worked for me for 20-some-odd years. They wished they

had joined the system. They never did. It wasn't the state's fault.

SENATOR COOK: Can I ask you a question?

SENATOR GOLD: Of course.

SENATOR COOK: If I may, Mr. President? Senator, who will pay the cost of the benefit?

SENATOR GOLD: Well, I'm taking a look at the fiscal note. It says that some part of the cost be paid by the Eldred Central School District.

SENATOR COOK: The Eldred Central School District, which was the employer, admits that they made the error. They admit it; that they are willing to pay that cost; and the employee, if there is an employee cost in there, is prepared to pay the cost. I don't know that I am prepared to tell the Eldred School District that I don't believe them, that they didn't make a mistake, when they are willing to admit they made a mistake and pay the cost.

SENATOR GOLD: Thank you.

On the bill, Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: Yes. Mr. President. There is a lady named Ruth Rauscher, and I want to tell you what it is to be important. The President of the United States is a very important person. The Governor is very important. But in this woman's life, the most important people are not the President, not the Governor. It happens to be some people on a local school board, and I guess if you are Ruth Rauscher and the people on the school board like you and everybody's memory is jarried so they want to do you a favor, you wind up in a pension system.

You know, one of the great shows in American musical theatre liturgy, "Damn Yankees", it's wonderful. This fellow has no background, makes a deal with the devil, and now he is a baseball player. And the devil who is trying to get him back has to cause some commotion. So now the question is, "Who is this man?" And he was very lucky because some friends

come forward and start swearing about his past that never occurred. You all remember that show. It was a wonderful show on Broadway; it was a great movie. And there were these wonderful friends swearing about a past for someone who never existed and who had no past.

I think that this is ridiculous. Now, Senator Trunzo says that after all of our work, there is going to be a Governor's program bill. Let's get a Governor's program bill, and let's get a bill and let these people come before some tribunal or let them do something internally. But I mean we are really ridiculous in doing this stuff.

I don't know this woman from a hole in the wall, and nobody else does either, and we're now going back to 1978 when she probably went to work -- I'll betcha, Senator Cook. I'll bet you an apple inside there (indicating) that my scenario is closer to the truth than yours; that this woman went in in 1978 and they explained it to her and she said, "Gee, I don't want to give up any money, or I

don't -- you know, that sounds like communism. I don't want to be part of any systems or anything. Leave me out of it."

Then the woman retires and, all of a sudden, this one's getting money and that one's getting money, and they say, "You know something, Ruth, you're a sweet lady. I'll betcha no one explained it to you; right? It's our fault. Why don't you let us do this, and maybe you'll put up about $1500, but don't worry about it because you are going to get 8400 right back again," and being someone who was involved in the school system, she's very good in math and knows that 8400 beats 1500. Put that up every day.

And I just think this is silly stuff. It just is really silly stuff. Senator Cook, you are a gentleman. You are a good guy with a big heart, and I know you always want to do nice things for people, but I think this is the wrong way to spend taxpayer funds.

SENATOR LEICHTER: Mr. President.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President. I think Senator Gold made a very compelling argument, but there is one thing that troubles me, and I wonder whether Senator Trunzo would be so good as to yield.

If you would, Senator, I ask you to yield because I think these bills come out of your committee, and we've seen a number of bills like that, maybe twenty this year, and all of them were sponsored by Republicans, which raised a question in my mind because somebody may draw the inference that voters, including employees or at least certainly public employees, in a district represented by Democrats don't make these mistakes. Maybe they are considered to be smarter.

Let me finish my question. Either they're smarter or the Democratic representatives they have do a better job in informing people what their pension rights are so they don't make these mistakes that seem to occur only in districts represented by Republicans.

Could you explain that to me?

SENATOR TRUNZO: Well, I can tell you this, Senator Leichter, that there are many bills which were sponsored by Democratic Senators that were also put out, and in many cases, have already been voted on by this floor. In fact, one bill just came out of Rules today for Senator Nolan. So there are bills by Democratic Senators that have come out.

Now, what has happened in many instances, when they were in the Civil Service and Pensions Committee, we didn't let anything out unless it had a home rule message. Then we sent it over, either to the floor or to Rules.

In the past couple of weeks, Rules has been calling bills on their own, whether there was a home rule message or not, on various people including Democrat Senators. And so there have been bills on the floor. There have been bills already passed for Democratic Senators as well as Republicans. So you can't say it's just a one-sided thing.

SENATOR LEICHTER: Right. Mr.

President. I accept my good friend's explanation. It's just that I haven't seen any Democratic bills this year, and it brought to mind the thought, "Geez, are the employers represented by Democratic Senators more careful?" And you tell me that indeed there are some public employees represented by Democratic Senators that have also -- without their mistake or without any fault of their own have taken advantage of pension benefits.

Thank you, Senator.

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 54, nays 3. Senators Galiber, Gold and Leichter recorded in the negative. Also Senator Paterson in the negative. Excuse me.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1333, by Senator Bruno, Senate Bill Number 4601A, Economic Development Law.

SENATOR GOLD: Explanation.

SENATOR BRUNO: Explanation?

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Mr. President. As we all know in this chamber, by law, we have designated or can designate up to 40 economic development zones in this state. Presently, there are 19 designated. This legislation authorizes an additional 15 to be determined as the law allows.

Why are we anxious to create 15 more? Because, as you all know, EDZ zones are created in depressed distressed areas with certain criteria allowing them to qualify. If they qualify it's because people there have high unemployment, property taxes aren't producing the revenue that they should. So by this legislation, we are trying to do what we can to help create jobs in distressed areas of this state.

SENATOR DOLLINGER: Mr. President. The sponsor yield to just one question?

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Through you, Mr. President. I understand this bill is under negotiation with the Assembly. Is that correct?

Could you just tell me what the current status of that is? I understand there are not significant differences between this bill and a version that has either been proposed or discussed in the Assembly, and I'd just be interested in knowing what the status of that is and whether we can expect a final resolution?

SENATOR BRUNO: Thank you, Senator. You're right. This bill has been negotiated for several months with the Governor's office, with the Assembly, and I will share with you in this chamber that we have an analysis of the Governor's proposal and ours, and about 80 percent of the Governor's are part

of our bill. The Assembly has been seeing fit to approach this differently, and they have almost been watching as the negotiations have taken place.

Now, I don't say that argumentatively. I say that as a statement of fact. So I am hopeful by moving this legislation that's very close to the Governor's parallel that we will help them understand that we are very sincere in that we mean and hope to get something done to be helpful to the people of this state.

So the negotiations are ongoing, Senator. You're right, and I hope that before we get out of here that we will get a bill to take to the people to accomplish something meaningful.

SENATOR GOLD: Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: Yes. Will Senator Bruno yield to a question?

SENATOR BRUNO: Yes, Senator.

SENATOR GOLD: Senator, you have

been here a long time, and I was asked a question by one of the staff people, and I don't know the answer to it, and I'm sure you probably could help me out.

Who is the author of this philosophy that if you are negotiating and you pass a one-house bill you somehow get the other side to shiver and shake and do more at the table? I was trying to figure it out. It makes no sense to me, but I figured somebody must have authored that philosophy.

SENATOR BRUNO: Gee, I thought it was Senator Gold, but apparently I am mistaken.

SENATOR GOLD: You won't find any one-house bills of Senator Gold's. I'm having enough trouble with two-house bills now.

SENATOR BRUNO: So I am mistaken, apparently, Senator, so I cannot answer your question. But, as you know, it is one way of not getting people to quiver and shake, but it is one way of establishing very clearly what your legislative intent is, and we are basically stating this is our intent. This is what we're

willing to see become law. We feel that the Governor's office fairly concurs, and we hope to get the Assembly to buy in.

SENATOR GOLD: Will the Senator yield to a question?

SENATOR BRUNO: Yes, Mr. President.

SENATOR GOLD: Senator, I know that you have had some very, very public debates with the Governor and with other people on issues such as spending the taxpayer money and taxes and rebates, et cetera.

Senator, I know, wouldn't -- this bill has your name on it. It was printed. It cost money to print it. Don't you think that the fact that you went this far is a sign, a real signal to the Assembly and the Governor that you mean business and that you are a responsible person who wouldn't spend taxpayer money over nonsense, had this printed because you believe it ought to be the law.

Isn't that telling them enough without us spending two hours on it here?

SENATOR BRUNO: I would think so, Senator, and I would prefer to spend two minutes on this rather than two hours, because I think this is meaningful enough in concept that anyone in this chamber that relates to economic development and job creation will support it, and that's really the bottom line here because, if this passes this house, they can substitute it over there, and it can become law.

So there is no prohibition as you know, Senator, that prevents them from passing this bill.

SENATOR GOLD: All right. Mr. President. I know some other people have some questions, but I would just like to make this comment.

Senator Bruno, unfortunately, when we deal in some subjects which are large - if I can use that word. It's a terrible word - we don't have two-minute debates, because we have the bill we had of your -- it wasn't your bill. It was somebody else's bill yesterday, "the fund that didn't exist" bill on the

environment, and it had to be answered. So it wasn't two minutes.

But, Senator, if it was only two minutes and if you realize that we have about 800 one-house bills a year, that's two minutes times 800 is 1600 minutes, divide that. How many hours is that? Twenty, thirty hours that we spend here on this nonsense. So even at two minutes it comes out to that.

I know that in Syracuse that's not a lot of time but -- I mean in Albany, I would hope we'd have more respect for that.

THE PRESIDENT: Senator Espada, did you want recognition?

SENATOR ESPADA: Yes, Mr. President. Will Senator Bruno yield to a question, please?

SENATOR BRUNO: Yes, Mr. President.

SENATOR ESPADA: Yes. I understand that in your bill, certainly you want the tax credit and you do not have language or provisions in there that would result in the

comprehensive health care insurance for Tier I employees, but I'm very interested in your inside -- in your observations about that issue, the potential loss of comprehensive health insurance for Tier I employees, in the Governor's bill?

SENATOR BRUNO: I'm not sure that I understand your question, Senator.

SENATOR ESPADA: Well, the question, just to rephrase the question, what are your feelings about -- should a negotiation ensue that would have the possibility of the loss of comprehensive health care insurance in exchange for a tax credit, what would your feelings be about that?

SENATOR BRUNO: Debating those two issues, health care?

SENATOR ESPADA: Just strictly the loss of comprehensive health care insurance as a possibility.

SENATOR BRUNO: We haven't addressed that, you're right, in this legislation. Should we address it? I think

there are a lot of issues like that one that should be addressed, certainly, so that we don't deprive employees, public or private, of any benefits that can be provided within the realm of the economics of the state.

SENATOR ESPADA: I want to draw from you, and I just want to be very clear, Mr. President, if I may, that -- as you know, I would certainly be in favor of these kinds of tax credits and certainly expanding the economic zones as you provide for in your legislation.

What I'm trying to seek out from you is, specifically, if we give momentum and support to this, I would like some assurance that you would protect the health care insurance for Tier I employees.

SENATOR BRUNO: Yes. I'm not relating to what's specific about Tier I but there is a concern that the employees be protected and enhanced, and our position has been just that.

SENATOR ESPADA: Thank you so much.

SENATOR BRUNO: Thank you.

THE PRESIDENT: Senator Masiello.

SENATOR MASIELLO: Thank you, Mr. President.

Senator, if you will yield to a question or two or three?

SENATOR BRUNO: Yes, Mr. President.

SENATOR MASIELLO: Senator Bruno, I recognize 4601 is an attempt to enhance the zones through specific tax credits, especially Tier I employees and Tier II employees. But in light of the state's fiscal problems, could we afford to do this? Is this going to have any adverse effect on our ability financially to balance our budget?

SENATOR BRUNO: Well, Senator, I have had a concern, as I know you have and many of our colleagues here, about creating incentives for business in this state, to create a favorable business climate. And we feel that through the incentives that are in this legislation -- and you're right, the immediate

impact is an estimated cost of $10 million. But when I say "cost," I could substitute "investment."

If we invest these dollars in these depressed areas, we get people off unemployment, out of welfare, you upgrade the properties, you create additional taxes from profitable companies, so that that investment returns hopefully ten-fold in an ongoing way.

But what's even more important, Senator, and I think you especially will relate, to the area that you represent, helps people gain some dignity in that they are gainfully employed rather than on the public dole. There are too many people in too many depressed areas in this state, unemployment 8, 9 and 10 percent, that suffer the consequences of that unemployment.

So, sure, there is an initial investment in this. Can we afford it? I think absolutely we can afford it because we will get a return on our investment.

SENATOR MASIELLO: Would you

yield to another question, Senator?

SENATOR BRUNO: Yes.

SENATOR MASIELLO: In this legislation, we talk about offering wage tax credits, investment tax credits, a whole host of other types of incentives, so to speak, that would help stimulate the job market and create jobs. And initially, you know, we want to get these businesses involved in these new zones, and I understand the concept.

But, also, they are going to reap some benefits. They are going to be able to generate revenues and profits. Certainly that's what they are in the business for. However, what are we getting in return as far as the kinds of jobs and the salary structure and the benefit structure that people need to be, quote, using your own term, "gainfully employed"?

Are there any thresholds of job salaries or things like that that we have in the bill or we could put in the bill that would ensure that people would be making a meaningful wage to support themselves and their family?

Oftentimes, we create jobs where the employer is getting a maximum benefit and the employee is making 4.50, five bucks an hour or six bucks an hour, not that those are bad wages but, in many cases, Senator, they are not sufficient enough for a person to support his or her family.

SENATOR BRUNO: Senator, we voted in this chamber to establish the law that created the economic development zones in the first place. All of the things -- there are nineteen in existence today. All of the things that you are referring to are in that covering legislation. So all that we are doing, if anything, is enhancing what is already there to help these people in these depressed, deprived areas, with health insurance, addressing the minimum wages that are there in present law, the benefits that must accrue, a whole list of criteria.

So the intent really is to expand and enhance an existing program because, as you know, Senator, we in New York have lost 43

percent of all of the jobs lost in this country in the last several years. So this is an attempt to do something very positive to help to get some of those people back to work.

SENATOR MASIELLO: Senator, I hope and I want to do something very positive. But, here again, I don't want to create a situation where you have businesses or industry reaping all the benefits in return for jobs that pay very little monies or have very little fringe benefits.

Now, did I hear you correctly - and just a point of clarification. What is the situation with health care benefits? Will they or will they not be part of the package?

SENATOR BRUNO: There is a formula, in that, the wage tax credits are increased as the benefit package or health insurance is enhanced.

Now, Senator, if you have studied this bill or at least you have certainly studied parts of it, you know that it's a 36-page bill. If you or anyone else is interested, we have

done an analysis of this bill in great detail. We have done a comparison of where we are with the Governor, very detailed.

I think that if you look at this very closely that you will see this expands and enhances an existing program. When you talk about the costs that you are relating to, I think about them as investments. Do businesses prosper by the incentives? I sure hope so because that's what we're trying to accomplish.

You know and I know that businesses will not go into some of the areas in your district, into New York City, especially. They won't locate there. They just don't and won't.

So what do we do? Do we watch the real estate deteriorate to zero? Do we watch people move out of the area? Do we watch them stay on welfare and unemployment, or do we do some positive things? We and, to the credit of the Governor, he has tried to move forward with a positive program.

So I guess I have a little

trouble understanding where all of the nitpicking, if I can use that term, comes from when you already have a program with economic development zones. Should there be accountability? Absolutely.

What have we done in this legislation? We have increased the accountability. We have set criteria, goals, objectives, and increased the accountability so that the companies that get the benefits are held accountable so that they truly provide the benefits to the unemployed.

SENATOR MASIELLO: Is this an extension, Senator, of the existing enterprise zone legislation that we have or program?

SENATOR BRUNO: Yes.

SENATOR MASIELLO: The same program we have now your bill is an extension of that.

SENATOR BRUNO: It enhances.

SENATOR MASIELLO: It enhances?

SENATOR BRUNO: Yes. It adds, we think, some benefits to the public. Yes.

SENATOR MASIELLO: One other question. I wish I could -- I haven't had time to read the bill in its entirety, but is there -- one other thing that concerns me is, oftentimes, we create a situation like this where you have these incentives and we need to be doing that, but are there any safeguards in the bill that would prevent a business from relocating from one part of a city or one part of a county or one part of the state into enterprise zones to reap these kinds of benefits and, therefore, causing job loss or other problems some place else?

SENATOR BRUNO: Yes, Senator, there are safeguards. And you are absolutely correct in that we are not serving a public benefit if we allow people to just move from one area to another because they can get better breaks. There are safeguards in this legislation. Very specifically, if a business is going to move from one municipality to another, for any of these benefits to occur, there has to be agreement by the two

municipalities, the one that's leaving and the one that's accepting that business.

So you're right to be concerned, and we have addressed that in this legislation.

SENATOR MASIELLO: The reason for my questions, Senator, I think we have to be doing more job creation, obviously. I represent an inner city. I represent a city that has high poverty, high crime, a whole host of problems that maybe many of us are familiar with. And day in and day out when I'm back home, the first question asked me is I need a job; where can I find a job. And the economy has a tremendous impact on crime. It has a tremendous impact on a whole host of social and domestic issues that we have to deal with as legislators or our constituents have to deal with.

So I'm in favor of trying to provide those kinds of incentives for cities for companies to locate in, especially inner cities, and we're going to have to provide those kinds of incentives, but I want to do this right. I want to make sure that it's a win-win situation

for both sides, not just the employers but the employees, and it's very, very important that men and women who get jobs have an opportunity to make a meaningful wage, have an opportunity to have some benefits to protect them and their families, and that's really where I'm coming from in this discussion.

And all too often, I've heard horror stories, especially from Senator Leichter, and others, about a whole host of benefits that we have given to business and industry, and we've gotten very little in return.

So that's the reason why I am asking these questions, and perhaps I have to look further into your bill and compare it more closely to what the other -- the other house to find out whether or not one is better than the other.

But I'm concerned because I have a constituency that can't wait any longer, that is desperate, that wants to go back to work, and I want to make sure that when we go back home

this week end or next week or whenever it is, that we have a bill that's actually going to work, that's actually going to produce meaningful jobs for people.

SENATOR BRUNO: Senator, if I can respond. I thank you for your comments and your observations and your questions, because I know they are very well intended.

And I will just conclude this in that we are in exactly the same place. That's exactly our intent in this legislation, not to have businesses move into areas and rip off the public but to create something very meaningful. Because you're right, the most depressing, distressing thing is to have people unemployed with no jobs. So that's the purpose of this, and we're trying to be very careful in drafting this that we meet the objectives as you have outlined them.

SENATOR MASIELLO: Thank you.

THE PRESIDENT: Senator Galiber.

SENATOR GALIBER: Just a couple of quick questions.

SENATOR BRUNO: Yes.

SENATOR GALIBER: Senator, are there any sanctions involved where businesses take the benefits and where they reach the maximum and they move out? Whether we have a receiver city, certainly they are going to build their economy. We have no problem receiving them. Are there any sanctions for those persons who -

SENATOR BRUNO: Yes, Senator -

SENATOR GALIBER: -- come in and sort of just take -

SENATOR BRUNO: Well, there are in this.

SENATOR GALIBER: -- without giving anything back?

SENATOR BRUNO: As you know, there are ongoing benefits for periods of time when you are located in a zone. The businesses will have to report periodically as to what they are doing, who they are employing, what the benefit packages are. And based on whether or not they meet certain criteria will be made the

determination on whether or not their benefits continue.

So there will be a great incentive for businesses to make sure that they are treating their employees very fairly, because if they are not they are going to lose the benefits of having been in an EDZ zone.

SENATOR GALIBER: Yes. Is there anything in your bill that spells that out or is that the intent? Which, of course, often our intent is lost by the wayside by the time a bill is passed and becomes law, you read it and you look at it from a practical standpoint, "This is not my bill; that is not what I intended."

And the reason I ask that, Senator, is because no one is more sensitized to economic development, and I think most of the folks in this chamber, very frankly, and for someone who supported the enterprise zones on a federal level for a number of years when there was a -- I like to say affectionately a Garcia-Kemp bill. I guess that has to do with my political discipline. But it was a bill

which was the answer to a very conservative Republican administration. The Heritage Foundation said so, "This is for God, country and a strong defense," and there was a lot of objection to it.

The principal objection to enterprise zones was the fact that there would be people -- business folks would come in and reap the benefit and then move out. And the same concern is when we modified that and came up with the domestic zones that have been in existence for some time.

So those of us who are sensitized about a good solid bill coming out are not opposed to the intent of the bill. What we are concerned with is in the enterprise zones is that they're all incentives, that there are not sanctions for those persons who come in and capitalize to the fullest extent and then move out, and when they move out, usually the area that they leave was in worse condition than it was before.

And especially since you say

let's invest in the future, and the dollar amount is what we're investing for the future. But if we are investing with unscrupulous business persons who come in to capitalize on the benefits and then move out and there's no sanctions at all, then this is a concern that we definitely have.

SENATOR BRUNO: Senator, I share that concern, and I can only answer you in that we feel that they have been addressed, in that, if the business doesn't meet criteria by their reporting, number one, they lost incentives that got them there in the first place. They lost them.

SENATOR GALIBER: Fine.

SENATOR BRUNO: Secondly, if they have been fraudulent in any way, then they are punishable by the law for that fraudulent behavior.

SENATOR GALIBER: But there's got to be something -- I don't want to get argumentative with you about it even in the course of so-called debate, but there is an in

between category, not necessarily defrauding where there's a criminal sanction involved. Just somewhere in between they are doing the bare minimum to reach a criteria which would make them eligible to stay there, and you wake up one morning and they have gotten everything out, and they do not come in the fraud category but they are gone, and the community is worse off than they were before.

Because I'm not impressed, very frankly, with the McDonald's wages that are in there very frankly. And that's what it is, McDonald wages. What happens to that person? That's a big, big issue. That's why the enterprise zones on a federal level -- one of the main reasons why there was a serious objection on this very point.

And though you say you have addressed it -- I know you would like to, and there may, very frankly, Senator, be no answer for it at this particular point in time except we've got this and we'll keep working at it.

But my concern is, where are the

sanctions for those unscrupulous persons who come in the community? For example, Senator, we have at the present time DOT is giving property away, in my judgment, in some of the same areas that you make reference to. Part of the area is in a domestic zone in Bronx County. They have some ninety acres of rail land there. DOT is negotiating long-term leases. And when we figure it out, it's about 25 cents or so or $25 or something less per acre. They are giving the property away and ruining the potential to bring back some of those 600,000 manufacturing jobs that we lost in the '70s. So we're doing these kinds of crazy things, and DOT is sanctioning it.

We have a bill which we think is going to come up where they want to do the same thing in extending a tennis area out in Queens where they are all but giving the property away.

So built into these enterprise zones, though our intentions are good, these leases that we have and the giving away of the

property, the primary beneficiaries are those persons that we are putting in business and the third, fourth, perhaps fifth category of beneficiary are the people that we are all concerned with, whether it's health, jobs, et cetera.

So when we debate this, pass the one-house notion, which is a reality, but there are those of us who are sincerely concerned that this is a giant step in the right direction but we seem hesitant, if you will, about bringing down sanctions on those persons who are capitalizing, if you will.

These leases that exist, some of them do, some of them don't, but we're giving property away. As I said before, the tennis notion will be coming up. So we're giving property away, and somebody says, "Later on we'll deal with it. We'll work it out in some kind of way."

And the same thing is happening in some of these domestic seasons. These folks are getting the benefit of it and just moving

out. Senator, maybe there is no answer.

I just wanted to put that on the record because I know -- whether it's a one-house bill know where your intentions are.

One last question which is indirectly related. Could you tell me why they have not expanded or if you can't say why they have not expanded some of the domestic zones, are you in favor of expanding them? In other words, we have 18 or 19 zones.

SENATOR BRUNO: Yes.

SENATOR GALIBER: I had a piece of legislation with one to two across the street which will include, logically, a large Bronx terminal market in the Bronx County, a large market. It just went across 149th Street, which means nothing to you except that it's a few blocks from Yankee Stadium, which might mean something to you. Couldn't do it. It's my understanding that there's been some opposition to extending the zones. You answer.

SENATOR BRUNO: Maybe it's in recognition of your experience and others, but

we expanded the zones from one mile to two miles in this legislation, hopefully to encompass a large enough area to take in just the kind of situation that you are referring to. This doubles the size of the zone potentially.

SENATOR GALIBER: Well, any time I say it's a one-house bill, there's another bill. Does the other bill, if you know - because I'm sure you have negotiated up to this particular point. Is there -

SENATOR BRUNO: Senator, this may be helpful. The Governor's bill agrees with us to take it to two miles instead of one, and that's one of the things that we are negotiating with the Assembly. So I -

SENATOR GALIBER: Would it be fair to say the Assembly bill is restricting present boundary lines with no extension, if you know?

SENATOR BRUNO: They have no bill specifically, but that's one of the areas that we will be relating in terms of trying to move this legislation.

SENATOR GALIBER: Thank you, Senator.

SENATOR BRUNO: All right? Thank you.

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 57.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Explanation is requested. Senator Bruno.

SENATOR BRUNO: Ladies and gentlemen. We have been talking about economic development, creation of jobs. This legislation tries to do that in an area that is very depressed in the agricultural area of this

state. This bill creates a sports horse development fund, and it sets aside -- it invests $150,000 in this development fund for sport horses to be matched by the Sport Horse Association of New York State 2 for 1. For every two dollars that the association puts in or raises, the state matches it with one dollar.

The purpose will be for sanctioned sport horsing events that awards will be made. The awards made, hopefully, will create an incentive for the breeding, raising, keeping in this state, of sports horses.

When sport horses are here in this state, they need a place to live, like a stable, and that usually takes lumber and metal. They also like to eat and that takes oats and hay. They also like a lot of attention and that takes grooms and handlers, and what we're talking about is creating jobs, at the same time that we encourage and enhance an industry that's very desirable for New York State.

Other states have created funds like this. Pennsylvania for one, one of our neighbors. So I am encouraging you to be supportive. I'm hopeful that this can become law, because I really think it will help enhance a very depressed area, the raising of horses in this state, competition with horses in this state, and all of the benefits that accrue to an industry that grows and develops.

Thank you.

(Whereupon, Senator Libous was in the chair.)

ACTING PRESIDENT LIBOUS: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. If Senator Bruno would just yield to a couple of quick questions.

ACTING PRESIDENT LIBOUS: Senator Bruno, would you yield to Senator Dollinger?

SENATOR BRUNO: Yes, Senator.

SENATOR DOLLINGER: I'm just intrigued by where these funds end up going. I've read the statute -- the proposed bill, and

it says that the money will be deposited in the fund for purposes of disbursement as matching funds for the New York State Sport Horse Association prize awards. Is this money going to be given to someone for a prize when they produce the Sport Horse of the Year or something?

SENATOR BRUNO: Could be, Senator. There is a governing board of the Sport Horse Association, you know, directors, that kind of thing. The majority of those directors will designate functions where there will be prizes for those particular functions. For instance, there might be an elimination in a jumping class for horses, and the championships might be a sanctioned event where horses will come to a site from all over the state that have been competing, and the prize for first place might be 3,000, 5,000; second place, 2,000; and those judgments will be made by that board.

Now, so as not to create a bureaucracy here, this will be administered by Tax and Finance. And before any checks are

disbursed, they would be audited by the Comptroller's office to make sure that whatever checks are disbursed have met the criteria of that board.

SENATOR DOLLINGER: Okay. So this is going to go -- the way we create jobs under this -- again through you, Mr. President -- is by enhancing the prize pool? Is that - that's a fair statement?

SENATOR BRUNO: Well, by encouraging people to show horses, show competitive horses, raise them, it can be a - it's a big business in some states. We have spent millions of dollars in this state, invested them. We're having trouble with NYRA now. The harness tracks with standardbred horses are all in trouble because of you name it.

So what happens now with many of those horses that can't race or for people that have breeding farms, they are not breeding or raising race horses, many of them. Consequently the farms go in disrepair, unemployment

increases in those areas. People lose their jobs.

So what I'm trying to do and we are trying to do with the people that I have heard from is create another incentive to raise horses here in this state, to make it a little bit more worthwhile. And if you were raising a race horse, for instance, that went to the Finger Lakes and that horse was not competitive, you might then like to have that horse trained to jump if it stayed healthy.

Now, it would be a great incentive for you instead of shipping a horse to a killer or seeing the horse go out of state, which happens all the time to the race horses, you might bring him back and house that horse and train the horse. Now, if you do that, again, you got to feed the horse, you got to groom the horse. You know, you are creating jobs.

So that's really all that this is about. It's not the biggest deal in the world, but we're trying to help an industry that needs

a lot of help. That's all.

SENATOR DOLLINGER: Through you, Mr. President. One more question of Senator Bruno.

ACTING PRESIDENT LIBOUS: Senator Bruno, would you yield for one more question?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT LIBOUS: He will, Senator Dollinger.

SENATOR DOLLINGER: You said, Senator, that Pennsylvania has a similar fund. Do they create the incentive by putting it into the prize pool? They put the money in the prize pool as an incentive?

SENATOR BRUNO: Several states have taken different approaches to how they create the incentive, some giving credits, you know, for the investments and that kind of thing. I believe this is as close to Pennsylvania as any of the other states, but I can't answer that without looking it up as to whether they are doing it exactly this way,

Senator.

SENATOR DOLLINGER: I guess the final question, Mr. President, just so again I understand this. Just through you to Senator Bruno. This is really for those horses that are not competitive as thoroughbreds or standardbreds, and they would be used in teaching children how to jump, how to ride, and then they would be shown, is that correct?

My question -- I don't want to be unfair. Is this the also-rans? This is the end of the bettor pool -

SENATOR BRUNO: No.

SENATOR DOLLINGER: -- of the horse that finishes -

SENATOR BRUNO: No, Senator.

SENATOR DOLLINGER: -- tenth or eleventh or twelfth out of twelve, ends up as a prize some place else?

SENATOR BRUNO: It could be that horse, Senator, but I don't want to focus on that, because sports horses are bred and raised as sport horses, primarily, not as race horses.

But I will say that if people were breeding and raising race horses that weren't competitive, this would be an alternative for them, but that's not the main thrust of this legislation.

There are farms, there are people who compete now. They raise horses, breed them just for sport. That's jumping, hunter class, dressage. So that this sports association will make a judgment on which functions around the state would be eligible for these prices. Okay? And then they would submit that to the Commissioner of Taxation, audited by the Comptroller, and then if you have horses that are of the quality that can compete, you can compete for those prices. People that raise horses for any purpose other than a few of the elite don't make any money. It's a terrible expense to be in the horse business in this state.

We created the breeding fund for thoroughbreds and for standardbreds. Having done that, we became the fourth largest breeding state in the United States over the years, which

I think is a credit to anyone that was involved in the creation of those funds.

Now, unfortunately, given the condition of racing, as I indicated, it's going downhill. I really believe that we have to address what is going on in this state as relates to the horse industry, the horse business, whether it's racing or sport.

So I see it as economic development. The creation of jobs. It's healthy, it's beneficial. There's not a lot of smoke, you know, from a mill. It's just good business, and it helps farmers, probably, more than any other single group in this state.

SENATOR DOLLINGER: Mr. President, on the bill.

ACTING PRESIDENT LIBOUS: Senator Dollinger on the bill.

SENATOR DOLLINGER: I really hadn't intended to vote against this bill, but I guess what I hear being said is that we have a highly competitive marketplace in the horse industry, and we have horses that aren't able to

compete in that highly competitive marketplace, and what we'll do is we'll take the also-rans in the field and we'll put them in a special category and try to encourage people that if they don't make it as a racer or as a thoroughbred or as a standardbred, they will make it in some other context.

And I guess what bothers me is that we seem to artificially again add government subsidy to a business that isn't a thoroughbred business and it isn't a standard bred business. It's a highly competitive field, an enormously competitive field. Great benefits when you win; great disappointment when you lose; and yet we're going to put $150,000 into a prize fund to somehow encourage this sort of tertiary horse market to continue to exist.

I'm not so sure it will have the benefits. I agree with Senator Bruno that there is a need to promote jobs, but this seems to me to be a long ways away. I think that this is not win, place or show. This is really the tail end of the field of economic development.

And to use a sore pun, Mr. President, I would vote neigh.

ACTING PRESIDENT LIBOUS: Senator Stachowski.

SENATOR STACHOWSKI: I would like to speak on the bill, but before I do, would Senator Bruno yield to a question?

ACTING PRESIDENT LIBOUS: I'm sure he would. Senator Bruno, would you yield?

SENATOR BRUNO: Yes, Mr. President.

SENATOR STACHOWSKI: Senator, doesn't this count -- this kind of fund, wouldn't it deal with all the various breeds of horses that make up the -- for example the horse competitions that take place at the New York State Fair and at the fairgrounds? And if I'm not mistaken in Ohio is a big state fair, and those are the kinds of horses you were talking about for the most part? I wish I could remember the various breeds. I'm familiar with them, and in my remarks I'll tell you why I am.

Is that basically what you're

talking about?

SENATOR BRUNO: Yes. We're addressing those horses specifically that do compete at the fair and at horse shows.

SENATOR STACHOWSKI: Yes.

SENATOR BRUNO: Not at the racetracks. Horse shows.

SENATOR STACHOWSKI: Right. Thank you, Senator Bruno.

On the bill. I would like to rise and support the bill because in Erie County, in the part of my district that is now in Senator Volker's district, the Erie County Fairgrounds is located. And, for years, we were trying to help them build an agri-center building, try to get the Agriculture Department to give them some aid. And eventually, they got themselves in a position to build it on their own. And one of the reasons they wanted to build this agricultural center was because the horsemen from these various breeds -- and it's multiple breeds, and they all have their own competitions, not necessarily together.

Sometimes by individual breed as well as in certain categories.

And it's a very big industry, and their major complaint was -- in western New York was that the farthest center west in New York State was Syracuse, and that wasn't far enough west for them. And if they could do something in Erie County, they would have another place closer than when they would have to go all the way to Ohio to take part in some of these large shows. And the people, actually, from eastern Ohio would just as soon come -- some of them would like to come to New York to compete, and also horsemen from Pennsylvania.

So I think this bill is a very good bill. It's a large industry. I think since the industry is putting up two to one to this fund, I think it's a great idea. Having become familiar with these various horse people because of that agri-center, I'm glad to see this bill.

I'm happy to get up and support it, and I hope that everyone will vote in favor

of it.

ACTING PRESIDENT LIBOUS: Senator Solomon.

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

ACTING PRESIDENT LIBOUS: Senator Bruno, would you yield to Senator Solomon?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT LIBOUS: He will, Senator Solomon.

SENATOR SOLOMON: Senator, you just described all the high-tech jobs that will be developed and retained with the passage of this bill. I'm just curious, Senator, does a groom earn minimum wage or someone who bales hay, or are they allowed to be paid below minimum wage?

SENATOR BRUNO: Yes, they do, Senator.

SENATOR SOLOMON: They earn minimum wage?

SENATOR BRUNO: To my knowledge, yes. Oh, absolutely.

SENATOR SOLOMON: How many of these jobs do you anticipate being maintained or retained as the result of this?

SENATOR BRUNO: I guess your guess would be as good as mine, Senator, but it stands to reason that if there are more horses, more animals, as I have described, they need to be housed, they need to be fed, they need to be handled, they need to be trained. So if there are more of them, there will be more jobs. How many more? That depends on the success of the industry and this program.

SENATOR SOLOMON: No more questions. Thank you.

ACTING PRESIDENT LIBOUS: Senator Farley.

SENATOR FARLEY: I rise to support Senator Bruno's bill because when I had the Racing Committee, let me just tell you I was astounded to find out how labor-intensive the horse business is.

And these are people, yes, Senator Solomon, that have low-paying jobs, but they are dedicated people that love horses. They are a group that have been hurt tremendously by the decline in the racing business.

I think this is a bill that will bring a great deal of economic benefit to a large segment of that industry, employees, little people with Roosevelt Raceway closing and quite a few other things. Yes, we have become as a result of the breeding fund, as Senator Bruno spoke of, a major horse raising state "raising", I'm saying, not racing.

And I think a piece of legislation like this can reap tremendous economic benefits to a large segment of our population that needs help.

It's a good bill. I would urge that everybody would support it.

ACTING PRESIDENT LIBOUS: Read the last section.

Senator Dollinger.

SENATOR DOLLINGER: On the bill. In response to Senator Farley, Mr. President, I guess I see some economic benefit of this. The question is should we be jumping into this marketplace with $150,000 for an industry that according to Senator Bruno doesn't seem to be able to make it on its own?

We're again going into the marketplace. We're again going to subsidize another form of business in this state. And my question is it doesn't seem to be able to survive on its own. I mean will this continued, this $150,000 appropriation continue on into the future and become a half a million or a million dollars?

At what point does government back out of this and say this is an industry that should be able to stand on its own four legs?

SENATOR FARLEY: If I might answer that, Mr. President?

ACTING PRESIDENT LIBOUS: Senator Farley.

SENATOR FARLEY: I think what Senator Bruno is attempting to do, and I don't wish to speak for him, is open up another avenue in this horse racing/raising business or horse breeding business and provide opportunities for a number of people that have been displaced because of a decline in the racing industry, and I think we're trying to put people to work whose skills are directed towards that area, and I think it's a terrific economic opportunity.

I really don't see a down side of it, and particularly with the industry coming in and supporting it, as Senator Stachowski has brought up. I truly think it's a bill that merits our support.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays

one, Senator Dollinger recorded in the negative.

ACTING PRESIDENT LIBOUS: The bill is passed.

Senator Leichter.

SENATOR LEICHTER: May I have unanimous consent to be recorded in the negative on Calendar 1333.

ACTING PRESIDENT LIBOUS: 1333, Senator Leichter in the negative, without objection.

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

ACTING PRESIDENT LIBOUS: Senator Marchi, explanation is requested.

SENATOR GOLD: Hold on one second.

Last section.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1347, by Senator Johnson, Senate Bill Number 5947, an act to amend the Public Health Law and the Environmental Conservation Law.

ACTING PRESIDENT LIBOUS: Senator Johnson, explanation is requested.

SENATOR JOHNSON: Mr. President, this bill sets forth regulations to ameliorate pollution of the marine waters by requiring pump-out stations for certain marine vessels, preventing discharge of untreated, partially treated sewage.

ACTING PRESIDENT LIBOUS: Excuse me. Excuse me. Excuse me. Excuse me.

Could we have a little order in the chamber, please. Sergeant, could we keep

that back door closed. We seem to have a little bit of commotion when Senator Johnson is speaking, and the stenographer cannot pick up what he is saying.

SENATOR JOHNSON: Sorry that was intended to be laid aside earlier, for the day. We're waiting for amendments on that bill. Is that the right bill, 1347?

ACTING PRESIDENT LIBOUS: 1347.

SENATOR JOHNSON: Yes, I'm sorry if we didn't get the message correct earlier. It's not to be called up today, yes.

ACTING PRESIDENT LIBOUS: That bill is laid aside for the day?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT LIBOUS: 1354. The Secretary will read.

THE SECRETARY: Calendar Number 1354, substituted earlier today, by member of the Assembly Murtaugh, Assembly Bill Number 5032, Alcoholic Beverage Control Law.

SENATOR GOLD: Senator Farley yield to a question?

ACTING PRESIDENT LIBOUS: Senator Farley, will you yield to Senator Gold?

SENATOR FARLEY: I would be delighted.

SENATOR GOLD: Yeah, tell me another one.

Senator, as you may know, it's no secret, I have no sympathy whatsoever for young people who go in and create problems for business people who are trying to make an honest living, and so I would have ordinarily great sympathy for what you are trying to do here.

But it was explained to us that under existing law there can only be I believe a $50 fine, is that correct?

SENATOR FARLEY: And completion of an alcohol awareness program.

SENATOR GOLD: All right. Senator, this is my question.

SENATOR FARLEY: Or both.

SENATOR GOLD: Yes. This is my question. I think your idea is a good idea, but even under existing law, do you have any idea

how many young people are being subjected to these fines and the programs?

What I'm hearing in the streets, Senator, and I'm hoping I'm wrong, is that even the existing law is just not being applied. I mean the young people are not being fined the $50, they are not being made to go to the programs, and that the police are still harassing the store owners, the 7-Eleven owners, the bar owners and that -- you know, we are just not getting the enforcement under the existing law. Why would we think we're going to get better enforcement under this law?

SENATOR FARLEY: I think your point is well taken, and I totally agree with you on that, but all this does is to give the discretion to the judge to provide up to 30 hours community service. Maybe if these youngsters -- somebody under 21 being a youngster. I didn't support that bill. I thought 19 was a good age, incidentally, not 21. Gives them the alternative of doing up to 30 hours of community service.

Maybe -- maybe and hopefully that the courts will see the benefit of community service and that things can be done for society by these people breaking the law, and maybe start enforcing that penalty. I cannot say.

I have a feeling very deeply that any law that is not obeyed is a bad law. That's why the 55 mile an hour speed limit on the Thruway -- Hi, Senator Levy -- I think is a law that is being flaunted, and I would like to see that one changed, too.

But anyway, this is an additional opportunity for the courts to provide some community service by people who are violating the law.

SENATOR GOLD: Okay. On the bill, Mr. President.

ACTING PRESIDENT LIBOUS: Senator Gold on the bill.

SENATOR GOLD: Mr. President. I want to commend Senator Farley. I think this really is a good idea.

But, you know, we have had many,

many debates on many, many issues where the point has been made that if we don't get to the penalty stages we voted, then what's the sense anyway? Capital punishment is certainly not a deterrent in any state that has capital punishment where nobody gets executed. That's one point that's always made.

In this state, we have a major, major problem, and Senator Farley is recognizing part of the problem. I don't know how we get to the other part, Senator. Maybe it's taking the minutes of this debate and sending them to the police departments around the state.

But I know of too many instances. You know, the law of the state is such that neither I or anyone in this chamber can practice in front of the SLA, and of course I don't. I know no one else does either. But I have clients who are in the business, and I know what's happening to them even though I don't handle those matters.

And, unfortunately, with some of the supermarkets, for example, a cop will go

back in with a youngster who had purchased beer. They'll give a summons to the supermarket. Nothing happens to the youngster at all. As a matter of fact, in a lot of these cases, the youngster has false I.D. the cop is informed that the youngster has false I.D., and the cop takes no steps to confiscate the false I.D.

The restaurants and bars are running into the same problem, and we're not talking about some terrible element in society. We are talking about Senator Bruno's people. We're talking about small businesses, people who invest in this state and are decent law-abiding citizens.

The people who own supermarkets are decent law-abiding citizens, the people who own 7-Elevens, the people who own family restaurants, and we have a prejudicial enforcement of these liquor laws when it comes to this particular situation.

And while I pride myself in being a liberal, and I understand the problems of -

social problems of this group and that group and the other group, I have no sympathy for young people who would go in and jeopardize what is in many cases a lifetime investment made by people to buy, either markets or bars or restaurants.

So, Senator Farley, I think it is a good idea, but the biggest problem with your bill is that we're dealing with the sentencing stage and unless the police are enforcing the laws to get these young people to the sentencing stage, then none of these provisions mean anything.

ACTING PRESIDENT LIBOUS: Senator Farley.

SENATOR FARLEY: Senator Gold, I agree with you. But let's hope that the law enforcement people see that as there is an opportunity here for community service and maybe start enforcing the law against, in my judgment and yours, an offender that is not being properly prosecuted.

I urge support of the bill.

ACTING PRESIDENT LIBOUS: Read

the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1359, by Senator Johnson, Senate Bill Number 1109A, Environmental Conservation Law, the Navigation Law and the State Finance Law.

SENATOR GOLD: Will Senator Johnson yield to a question?

ACTING PRESIDENT LIBOUS: Senator Johnson, would you yield to a question from Senator Gold?

SENATOR JOHNSON: Yes, Senator.

SENATOR GOLD: Senator, there was an EPL memo in opposition on the original print, and I notice that we have in front of us an "A" print. Does the "A" print take care of the

criticisms made by EPL on the original print, do you know?

SENATOR JOHNSON: Well, Senator, we're not aware whether or not they are opposed to the "A" print. Let me just read that memo, Senator, and I'll try to see if we corrected it.

SENATOR GOLD: Senator Johnson, I don't have a memo in opposition on the "A" print. It's only on the original print, as I discussed with Senator Marino at great length. But I was wondering whether or not in drafting the "A" print, you know, you were trying to cure some of their objections, or are their objections something that are just different?

SENATOR JOHNSON: Senator, we're trying to determine just what their objection is.

SENATOR GOLD: All right. Do you want to lay it aside a minute or two and come back to it? How do you want to do it? Any way you want to.

SENATOR JOHNSON: We might be able to address it right away.

My counsel advises me that we did change the exemption language to which they were opposed, and we think it satisfies their concerns, but we don't have any definitive word on that, but we think that we've addressed what their concern was.

SENATOR GOLD: Well, I noticed that the -- just for the information of those on this side of the aisle who might be interested.

ACTING PRESIDENT LIBOUS: Senator Gold, for informational purposes.

SENATOR GOLD: Thank you, Mr. President. The department has a conditional support memo on the original print. EPL had an opposition on the original print. But one of the great environmentalists of our time, Senator Oppenheimer, is on the "A" print, so I assume that the bill requires support.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1361, by Senator Farley, Senate Bill Number 1924, authorize Harold K. Warner to receive credit for prior service.

ACTING PRESIDENT LIBOUS: Senator Farley, an explanation is requested on 1361.

SENATOR FARLEY: Yes, this legislation authorizes Harold Warner, one of our sergeant-at-arms here in the Senate to buy back three years of his retirement. In 1977, Mr. Warner had a position as assessor for the town of Halfmoon in Saratoga County and, subsequently, no provisions were made for retirement benefits for this employee. While working as a town assessor, he accumulated three years of retirement credit. Mr. Warner has contacted the retirement system back in September of '89, requesting information

regarding a buy-back, and he was informed that the restrictions on crediting his previous service, and these restrictions mandate that Mr. Warner had to have been with the same employer upon which his membership is based. This legislation would allow Mr. Warner for a period of one year to buy back three years. He bears all the cost.

SENATOR GOLD: Explanation satisfactory.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 2, Senators Gold and Leichter recorded in the negative.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number

1362, by Senator Saland, Senate Bill Number 2138, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LIBOUS: Is someone requesting an explanation on this bill? Senator Gold, are you requesting an explanation?

SENATOR GOLD: I think Senator Dollinger laid it aside.

On the other hand, last section.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1363, substituted earlier today, by member of the Assembly Feldman, Assembly Bill Number 4225A, an act to amend the Vehicle and Traffic

Law.

SENATOR GOLD: Explanation.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT LIBOUS: Lay that bill aside temporarily.

THE SECRETARY: Calendar Number 1364, by Senator Skelos, Senate Bill Number 2623A, an act to amend the Tax Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT LIBOUS: Explanation.

Senator Present, should we lay that aside temporarily?

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1366, by Senator Tully, Senate Bill Number 3335, an act to amend the Insurance Law.

SENATOR SOLOMON: Explanation. Senator Tully.

ACTING PRESIDENT LIBOUS: Senator Tully.

(There was no response.)

SENATOR PRESENT: Lay it aside temporarily and come back to it.

ACTING PRESIDENT LIBOUS: That bill will be laid aside temporarily.

THE SECRETARY: Calendar Number 1370, by Senator DeFrancisco, Senate Bill Number 4136, an act to amend the Tax Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1374, substituted earlier to day, by the Assembly Committee on Rules -

SENATOR GOLD: Explanation.

THE SECRETARY: -- Assembly Bill Number 7710A, Education Law.

SENATOR GOLD: Explanation.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT LIBOUS: Lay that bill aside temporarily.

THE SECRETARY: Calendar Number 1375, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8292, Eminent Domain Procedure Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT LIBOUS: Senator Mega, an explanation is requested.

SENATOR MEGA: This bill would amend the Eminent Domain Law in a situation where a piece of property is taken by eminent domain and it's owner-occupied. Under existing law, the owner would have to pay rent from the time of the acquisition. What this bill does is give them 90 days, three months before they start paying rent, because in many situations

there are mortgages on the property and it becomes a problem for the owner that owns the property. So it gives them a three-month grace period before they have to pay rent.

This is submitted by the Transportation Committee, and it seems to be the fair thing to do as far as a residential owner is concerned where a property is taken by eminent domain.

SENATOR GOLD: Will Senator yield to a question?

SENATOR MEGA: Sure.

SENATOR GOLD: Actually, Senator, once it's taken by eminent domain, the owner technically is a tenant; is that right?

SENATOR MEGA: Yes.

SENATOR GOLD: So this bill is, I take it, your way of showing your sensitivity to the problem of tenants.

SENATOR MEGA: Absolutely. This is a people's bill.

SENATOR GOLD: No, there are a lot of people. Some of them are homeowners.

I'm just trying to zero in on the concept of what we need in tenant legislation.

SENATOR MEGA: Well, this is a bill that would help tenants, absolutely.

SENATOR GOLD: Yes. And you want to help tenants. I want to be able to judge your feelings about tenants.

SENATOR MEGA: My record has indicated clearly that where situations warrant, I like to help tenants. And this is a situation that warrants helping tenants.

SENATOR GOLD: I like that.

ACTING PRESIDENT LIBOUS: Shall we read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

SENATOR PRESENT: Mr. President.

Can we have calendar 1374, please.

ACTING PRESIDENT LIBOUS: Secretary will read 1374.

THE SECRETARY: Calendar Number 1374, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7710A, an act to amend the Education Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT LIBOUS: Explanation requested. Senator Trunzo.

SENATOR TRUNZO: Mr. President. This bill sets up a procedure for the election of a member, a retired teacher, to the New York State Teachers Retirement System rather than having up something whereby currently that particular individual is appointed by the retirement board. Currently, they are appointed. A member of the retirement system representing retired teachers is appointed by the retirement board. This bill would permit them to have a general election and elect their own member to be on the teachers retirement system board.

SENATOR GOLD: Senator yield to a question?

ACTING PRESIDENT LIBOUS: Senator Trunzo, will you yield?

SENATOR TRUNZO: Yes.

SENATOR GOLD: Senator, my notes show that we had a -- is it a similar bill to this earlier this year?

SENATOR TRUNZO: Excuse me?

SENATOR GOLD: Wait a minute. What does this mean? Last year we had a similar bill?

SENATOR TRUNZO: We had a same bill in 1992, yes, and we passed it in this house.

SENATOR GOLD: I see that there is a memorandum in support by NYSUT, but there is a memorandum in opposition LaVernon Hanks representing the New York State Retired Teachers Association. Senator Galiber and Leichter and Paterson voted no last year. But this memorandum in opposition is on the original print, and you are now at an "A" print. Can you

tell us what the difference is? Is there anything in the "a" print that would change the issue as for as these two groups are concerned?

SENATOR TRUNZO: It just changed the election to July instead of the original date.

SENATOR GOLD: Just changed the day.

SENATOR TRUNZO: Right.

SENATOR GOLD: Thank you.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1378, by Senator Volker, Senate Bill Number 4944, Civil Rights Law.

SENATOR GOLD: Senator Volker, I believe Senator Galiber is going to request an explanation.

SENATOR GALIBER: Mr. President. Explanation.

SENATOR VOLKER: Mr. President. First of all, I have also been asked to pronounce what DNA technically means, deoxyribonucleic acid. I just want to get that on the record. That's not going to mean anything to anybody, but that's what it is.

ACTING PRESIDENT LIBOUS: So noted, Senator Volker.

SENATOR VOLKER: Okay. Thank you. DNA is actually derived from the human body, and it's used for the purposes of identification. In fact, let me just point out that in today's paper, I believe it is, there was an article about a person who nine years ago was convicted of rape and murder and because of DNA testing was released from prison because the DNA apparently clearly showed that it was not the person who had actually committed the

crime. It was I believe a crime against a young person.

What this bill does is -- it is, by the way, a Governor's program bill. The Governor and the Senate, very honestly, on this have been I think pretty close on this issue. We're not always that close on all issues, but on this one we're pretty close.

We have been negotiating with the Assembly for some time, and we continue to do that, by the way, and we are hopeful that before this year is out we will have an agreement that would provide for the implementation of DNA technology in the forensic setting.

Now, what does that mean? What that means is that we are trying to set up a data bank very similar to what is now in place in DCJS for fingerprinting. Fingerprinting is widely used in this state and this country and throughout the world in identifying people.

DNA obviously is being used now in court cases across this country. The problem, though, is that it needs some

regulation. And, very honestly, what this bill does is, this bill would set up a process to regulate, collect, and to handle DNA technology so it can be used to its maximum potential in this state.

The technology -- rather the quality would be determined according to rules implemented by the DCJS, which is the Department of Criminal Justice Services, in conjunction with the Health Department and would attempt to gather as much information as possible.

There are exclusions, by the way, in this bill, and there are confidentiality provisions relating to the dissemination of information. It is a Class A misdemeanor to improperly disseminate information as far as DNA is concerned.

It would set up, by the way, also a -- I think it's now called a forensic science review panel. The reason I say what it's called now, it used to be called an advisory committee. Now it's a forensic science panel which would recommend on changes and the future of this

technology as far as New York is concerned.

The effective date of the bill as we have done in the past as we move on in forensic science is June 4, 1994, and the reason is to give the advisory committee, to give the DCJS in conjunction with the Health Department the time to set up the rules and regulations, and so forth, and to develop this technology and try to get the wrinkles out of it before it would technically come into place.

Now, you should understand that, then, these rules and regulations and the determinations that are made would determine private labs' ability to develop this sort of technology and would make sure that the planning and implementation and the testing that is done is properly done and would assist in determining criminal responsibility.

DNA probably is the most important advance in the area of criminal justice in the last decades. It frightens the heck out of some defense attorneys, very honestly, but it also by the way has the ability

to not only help prosecutors but also to help defense attorneys. Because as I just pointed out, there are a number of cases, and I can cite -- we have a whole batch of them where DNA has been used to determine where people who were thought to be guilty were actually innocent because the type of testing that is done is a very determined science and, if it's done properly, can identify people extremely well.

ACTING PRESIDENT LIBOUS: Senator Galiber.

SENATOR GALIBER: Senator Volker, would you yield for a question or two?

ACTING PRESIDENT LIBOUS: Senator Volker, would you yield?

SENATOR VOLKER: Yes.

SENATOR GALIBER: Senator, this DNA process, is it an exact science at this time? Is there any margin for error or is it absolute?

And the reason I ask that is I was troubled -- troubled is a poor word. I wasn't troubled by it, but in the course of

explaining the bill, you mentioned things about "wrinkles, absolute, development stage." All of these things would seem to be inconsistent with something that is absolute, works every time, no margin for error, et cetera.

SENATOR VOLKER: Senator, what I was referring to is the regulation of DNA technology and testing. Properly done, DNA testing is virtually unchallengeable. I don't think there is anybody in the scientific area that believes that DNA is not an absolute identifier of a human person as in -- more than a human person, but particularly a human person in this case, obviously.

The issue really is to make sure -- and I think it's being done now. I think the one thing to keep in mind is the passage of this bill is not going to mean that now you are going to be able to use that. DNA is already being used.

But the issue is the proper use of DNA, proper testing, proper identification. And I would be the first to admit to you the

data bank is extremely important, because the data bank like the data bank for fingerprinting is an incredible potential source of identifying people.

By the way, DNA is also used for other than criminal justice, identifying bodies that are found and things of that nature. I think the answer to your question is that it is an exact science, but what is not always exact is the issue of the testing, and that's one of the reasons we want to do this bill is because we want to make sure that the tests that are done are done properly and that we want to balance off the necessity to do this with the necessity that those tests are done right.

SENATOR GALIBER: Okay. When you say, Senator, "properly done," again we go into an area which might lead one to believe that if it's improperly done, there would probably be or would be -- not probably, -- would be a different result. Is that fair?

SENATOR VOLKER: Senator, we are human beings, and there is no absolute certainty

in anything we do except for one thing. I say to you, again, testing when properly done in the DNA area is considered to be absolutely conclusive.

Now, one of the things, of course, that we're trying to do is -- and you, Senator, as a very good defense attorney and a person who knows very well how these types of things work, know that a defense attorney faced with a DNA situation is probably -- certainly in the future and in cases now, is going to look to his own DNA sampling to make sure that that testing is done properly.

What we're trying to do in this bill is set up the process to regulate labs that do this sort of testing and to make sure that that testing is done as perfectly as humanly possible. And I think, frankly, in the DNA area even more so than in fingerprinting the chances of mistakes are very, very minute. Again I say, making sure that the testing is done properly that's what we're trying to do in this bill.

SENATOR GALIBER: Okay. Let me

try one more time using another example, fingerprinting. You know, the inference - defense attorneys might be a little disturbed about this. Defense attorneys are faced on a case-to-case basis with fingerprints. We didn't set up any regulatory or advisory board on fingerprints. We just take the fingerprints, and we send them in. And if they are valid - and there has been no error up to date on fingerprints. Would you say, Senator, if that's a given, is the DNA testing as "positive" -- and I put brackets around it -- as fingerprints?

SENATOR VOLKER: Senator, fingerprinting -- one of the problems, by the way, with fingerprinting was that it did just evolve over the many years. And, frankly, advisory committees and oversight really didn't occur until the data banks were in place, and I think you are aware that there were some problems that came up in the fingerprinting area that -- that we became aware of where there were difficulties in how the prints were taken and things of that nature. I won't get into it, but

I would agree with you that fingerprinting did evolve in a different way.

But one thing about DNA is that DNA is a far more -- a far more valuable aid in identifying someone than fingerprints; and, therefore, it seems to me, and I think you would agree, that it behooves us to make sure that the implementation of this data bank and the testing that is done is done as accurately and as effectively as possible, and I think that's really what the gist of this bill is, that we are trying to make sure that the labs that do the testing, the private labs and public labs, follow the rules and are able to do it in a way that gives us the best possible testing and will categorically determine, in some cases, who the person is that we're dealing with.

SENATOR GALIBER: Senator, another portion of the bill that troubles me a bit, does the bill -- did I read it correctly when you said that there are persons -- you are changing the Executive Law and the Department of Health, Human Rights and adding another section

to the Penal Law which would allow procedurally for those persons who are found guilty -- I forget the numbers now. I think it's probably sex crimes and homicides. Would that be fair to say?

SENATOR VOLKER: That's right. Yes.

SENATOR GALIBER: As part of their conviction, you are then mandating that those persons be giving samples into this bank that you are going to create. Is that correct?

SENATOR VOLKER: That is correct, Senator.

SENATOR GALIBER: Why would you want to add an additional part of this sentencing process in a bill that you are primarily concerned for identification purposes and the fingerprinting?

And while you are answering that, Senator, would you elaborate on it in terms of the areas of conviction where there are reversals or where some -- reversals because there would be a conviction. One way you have a

reversal if you had a conviction. In that category, whether that person is entitled like they would be with fingerprints to get those samples out of this bank, not only on the local level but on the federal level?

Now, the federal bank I understand -- you correct me if I'm wrong. I know very little about this. On the federal level, they have been doing this to a point where they have accumulated with the states -- I think there's 10, 11, 12, 14, whatever states that do this now. They have accumulated this bank. Do those samples also, in answering the question, on a reversal, are they destroyed or what happens to them?

SENATOR VOLKER: First of all, Senator, let me tell you that the theory behind the use of -- you're trying to develop a data bank. And the theory behind the use of the murder and sex crimes was that these are the kinds of crimes that are the types of crimes that would best suit feeding into the data bank and setting up such a data bank, and there is I

think ample authority, constitutional authority, to do this because we now do it in certain cases -- obviously we fingerprint people anyways. So it doesn't seem as if in establishing this because of the serious nature of these crimes - these are people that have been convicted, obviously. So what we're saying is that one of the things that you -- is in the public interest is to feed the DNA of these people into the data bank and to help establish that data bank.

As far as what happens if the person is then found guilty, provided in the bill -- I can't give you the line, but it's in there -- Section 1635.40 -- is an expungement provision. And I think, Senator, one of the interesting things about this is this is going to be in the computer; and, ironically, it will be easier to expunge these out of the computer, probably, than it is to expunge fingerprinting now.

Now, you asked me the question of the federal situation. We don't control the federal situation. We do control the state

situation. As far as the state is concerned, should the conviction be reversed, then under the law the DNA sample must be expunged and that person's DNA sample must be taken out of the bank, and there isn't much to be returned because, under the computer situation, as you know, it's merely a line in the computer. So that's exactly what would happen.

SENATOR GALIBER: Senator, would it be fair to say that we might have a similar situation as we have in the fingerprints where locally there is a reversal or a dismissal, and they tell us that we're getting our fingerprints back? I tell my clients that. Some unscrupulous lawyers charge them to get them back, and there are a few, not too many. Shakespeare wasn't correct altogether. But the fact of the matter is that they get their prints back, but yet if they're arrested again, it shows up on the NIIS sheet, or in the old days used to call it the yellow sheet. Would it be the same?

Your answer that we don't control

the federal government, it's nice to say that, but those fingerprints stay on file on the federal level, in some instances on the state level. So whether we have a computer doing it or whether we mail them in and get a return, shouldn't we be concerned that if we're asking, which is unusual, as part of a sentencing process that we add a factor of mandating - which is really a double sentence, very frankly -- mandating that those persons' blood be extracted from them? You've got a whole litany of things "prior to" and "pre-trial", whatever, that there's some objections or whether they give consent towards taking blood, et cetera, et cetera. A little different than giving fingerprints.

But my concern is, Senator, that we will not be able to take the computer and vitiate all those samples, because we throw up our hands and say, "What are we?" You know, we're merely states. We have no control over the federal government.

SENATOR VOLKER: Senator, let me

just say, I guess I have one little problem with your characterization. You know, when I became a police officer, I had to be fingerprinted. I worked for the post office at one time. I had to be fingerprinted. It always kind of bothered me that somehow there is this thought it's such a horrible thing to be fingerprinted and that your rights are being violated, and so forth. I don't understand that.

The fact that my fingerprints are in the FBI data bank from about six or seven different areas -- if you serve in the military you are fingerprinted, and so forth -- I just don't think that's as big a deal as maybe we make it out.

But, Senator, let me tell you this. Clearly, under our bill -- and remember that the interesting thing about this we're going to regulate DNA far better than we ever regulated fingerprints because we're getting right in on the ground floor. And I would think that New York would insist that the federal government, as far as -- abide by our rules.

And I personally would ask the DCJS to send any data bank information to the federal government, any DNA data bank information, subject to the caveat that the federal government expunge those -- that record, just as we have to expunge the record if that person or a person or persons should be found not guilty. And I think the federal government will be happy to do that, and I think they will comply.

I think the chances under DNA are far, far better than they have been under the inexact science, if you want to call it that, of the way that fingerprinting has been. I agree with you, by the way, Senator, on fingerprinting. You and I have talked about this before. We know that it's been kind of a -- almost a game sort of, that you get the cards back, but the information is some place else. And if you really want to find out that person's fingerprints, you can find them.

Of course, it's been pointed out, though, there is one thing as I just said. Most people are fingerprinted at some time in their

lives anyways other than for criminal. So I'm not saying that justifies what I just said, but I am telling you this. We are clearly saying in this bill the DNA must be expunged, the information on it, and taken off the record should a person be found not guilty who has been forced to accept the DNA testing.

SENATOR GALIBER: Yes. On the bill, Mr. President.

ACTING PRESIDENT LIBOUS: Senator Galiber on the bill.

SENATOR GALIBER: Senator, you and I, as I pointed up, have discussed this notion of fingerprints over and over again, and for some strange reason there is an inference, not between the two of us us, but as we debate it, that there are those of us, our neighbors in this great state of ours and in this great country, who fear being fingerprinted. That's not the case. Or there are those who fear DNA or new sciences, and that's not the case.

The fact of the matter that we don't want to go too fast, if you will, to the

point where we lose some of our neighbors. What some of us are concerned about, those of us who are exposed for various reasons a little bit more than others, that long range -- you know, we read Orwellian 1984, Orwellian society in 1984 and big brother approach. So 1984 came, and you've heard me say over and over again none of us said anything about it. They can zoom in on us at this particular point and tell you what color socks you had on last night or the night before.

They are seriously talking about altering genes in the future. So those of us who get up and discuss the science or lack of science, not that we're opposed to fingerprinting, not that we're opposed to DNA, but the method which is used, and that is, to - in addition, as I have pointed out -- to mandate as a part of a sentence that this be extracted from that person. It's a double sentence.

And I don't get too exercised about the nature of what these folks are found guilty of. But long range, there's a built-in

damage of this kind of legislation. You say in so many words that it's not exact. We need to regulate it. We need to add advisory councils.

And it's interesting -- and nobody cares more for you in this body than I do, and I mean that sincerely. Might equally, but not more. You know, we look at the board, the composition of the board. We got a sheriff and Corrections. I mean the board is made up of law enforcement people. Law enforcement people.

And we look with some suspect when we have a board which is advisory and talking about the public safety, which we are concerned, and I certainly am equally as much as you are about the public safety, to find that we have a board that's made up of -- I'm not sure how many persons are on that board, but it's nine members, and we're talking about, as I pointed out, correction officers, chiefs of police of New York, state sheriffs association, New York State District Attorneys Association, state crime laboratory advisory, DCJS and a

number of others. And I'm concerned that all these folks are on this board, and if it's for good intentions for the safety and public safety in the future of those in our society, why not for one thing -- or one other thing, in addition to what I have said already, why the composition of the board with law enforcement people? Why not with some people from Human Rights and a few other agencies that we have around? They are not the best experts, I don't believe, the persons that you have suggested to be part of this advisory board.

So, Senator, in all candor, I welcome on the one hand the opportunity to do better because things that are happening in our society today and in our streets not only in the city of New York but in the state. We see these horrible headlines. We saw one this morning. We will see one tomorrow morning, unfortunately. We were there early this week.

Something has to be done. It's just that I have to consistently be concerned about basic human rights and how far we go, and

to suggest that at times with technology it backfires, and those things that we think are good and we pass and we go along will backfire on us.

We might very well be identified with ribbons of some sort or how we talk or how we change our genes, as I mentioned to you earlier. It's a frightening, frightening thought. And it's not as easy as we make it in this chamber by saying, "Are you for motherhood?" And if you say "Yes," you are okay and if you say "No," you are a bad guy with the hat. I'm merely saying this is a good notion and not because I'm a defense attorney. I am a full-time legislator. I don't get a chance to practice law. I don't know about you.

But the fact of the matter is there are built-in, inherent dangers here that have to be mentioned. Have to be mentioned because if we use it as a sword -- as I often say, a sword or shield. Do we cut people up with this? Do we hide behind it? Do we say look what happened? Do we let a fellow out of

jail after ten years because we exhumed the body?

I got a case now where it's a parental situation, where they say we got to pull the body up and take the test and maybe you'll show proof that the father's blood's there; therefore, therefore you can recover.

So it's not just in a criminal action. It's a direction that we're going in, but we have to be -- in our haste, and I will end on this note. Senator, we did things hastily ten years ago. I keep bringing it up because it has to be said over and over again.

Some ten years ago, we started piling on mandated sentences and piling on things, to the point now that we've gone so far into it that we don't want to reverse ourselves. You know, I catch you every now and then and I nudge you a little bit, and I see a little smile on your face like, "You are almost right, Joe, but maybe not today, maybe tomorrow."

We've got to say somewhere along

the line, you know, watch ourselves as we move along because we're doing things sometimes a little too fast.

So I rise, Mr. President, to say to the sponsor of the bill I know his intentions, and there's never any question about his intentions, but there are some klinkeres here. There are some danger points. There are some sign posts out here that we have to be concerned about. There are the Orwellian conditions mentioned early on, that we passed this 1984. No one said one word. And they've got technology now that's amazing, unbelievable; that never, never, never would we have passed that kind of legislation.

So DNA is a technology that is on its way up. No question about it. I think in our anxiety for not letting it take its course that we're pushing things in like mandating sentences. We're also pushing in here a double sentence on someone I have no sympathy for by saying that we want a bank, and not an exact bank. Because if there is a reversal, we're

going to say we will remove it technically from the state, but we've got something on a federal level.

DNA has not been proven. There are those who -- prosecutors, if you will, law enforcement people, who seriously question how do you let that person out of jail after ten years? This is not a proven exact science yet.

So it works both ways, not saying that we let the person out of jail after 20 years. The fact of the matter is, Senator, I congratulate you on moving. I just wish on occasion I can get you to slow up a little bit sometimes, but we're headed in this direction. There are these klinkeres which I think we do not have to have in this bill. And if this bill follows the course, even though it's the Governor's bill, if it's going to be a one-house bill, then I hope that some of the questions I've asked of you can be cleared up. I'm not sure now.

Thank you for your time, Senator.

ACTING PRESIDENT LIBOUS: Read

the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

Senator Kuhl, what is your pleasure?

SENATOR KUHL: Yes, Mr. President. May we return to Calendar Number 1363 and ask the Secretary to call that up.

ACTING PRESIDENT LIBOUS: 1363, Secretary will read.

THE SECRETARY: Calendar 1363, substituted earlier today, by member of the Assembly Feldman, Assembly Bill Number 4225A, an act to amend the Vehicle and Traffic Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT LIBOUS: Senator Goodman.

SENATOR GOODMAN: Mr. President. Last year, approximately a thousand New York City dwellers had a very, very frustrating experience. They had parked their car somewhere in Brooklyn or Manhattan or one of the other boroughs. They came to return to their car and noted that there was a tow truck with its hooks into the car on the verge of towing it away. A sad experience, indeed, but rendered all the more difficult when the driver of the vehicle arrived and said, "This is my car you are towing away and I'm about to move it," only to be told, we're sorry, Sir or Madam, we cannot do that. Under the laws of the state of New York and the city of New York, we are required to tow your car even though you have arrived in time, theoretically, to save it.

This situation is one which in agreement with the traffic commissioner of the city of New York we have prepared a bill to remedy. Under this bill, the alert motorist who finds his car but has noted that it is not yet towed away would face instead of a $150 towing

charge on top of a charge for a parking ticket typically $75, instead of facing a $225 total charge, we are able to provide an arrangement whereby the towing charge would be cut in half. Therefore, the $75 charge for the ticket would be supplemented by a $75 charge for the aborted tow and the result would be a $150 charge and none of the inconvenience of having to go to the pound, sort out the location of your car and pay an extra charge.

The purpose of this bill is to provide the Vehicle and Traffic Law with a provision whereby a system would be established so that this very difficult situation could be avoided.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Gold.

SENATOR GOLD: Senator Goodman yield to a question?

ACTING PRESIDENT LIBOUS: Senator Goodman, would you yield to Senator Gold?

SENATOR GOODMAN: Yes, sir.

SENATOR GOLD: Senator, obviously the aims of the legislation are very laudable. But I just want to know how it works.

The vehicle receives I believe a ticket from one of the officers in the brown suits and then a tow truck comes along and then starts to hook up the vehicle.

Now the owner of the vehicle comes along and under the bill identifies himself in some proper manner.

What is the next procedure? Do they pay money to the tow truck operator or is there a second document issued? What actually happens?

SENATOR GOODMAN: First of all, the owner appears and requests the release of the vehicle.

SENATOR GOLD: Right.

SENATOR GOODMAN: The owner must show a valid driver's license.

SENATOR GOLD: Right.

SENATOR GOODMAN: Must present a valid insurance card or other evidence of

coverage and must show his vehicle registration to the tow truck operator.

SENATOR GOLD: Right.

SENATOR GOODMAN: If he is able to do this, the owner must agree in writing to pay a vehicle release fee but neither the ticket nor the release fee need be paid on the spot. He receives that in the mail.

SENATOR GOLD: Got it.

SENATOR GOODMAN: Thus alleviating the need to produce instant cash which may not be feasible.

SENATOR GOLD: All right. Let me ask you a question, Senator, and this is really what is on my mind. I think that the program, obviously, is going to help some people and make some sense.

I'm concerned about the opening up the door to opportunity for tow truck operators who might decide that this isn't a good business. In other words, somebody comes along and they've got to sign for $75; on the other hand, for $25 in cash they can get their

car back and now you've got a tow truck operator who is allowed to be releasing the vehicle.

I mean is there any kind of monitoring of this? Has anybody thought past this situation?

SENATOR GOODMAN: Actually, the reason for the present arrangement which seems so peculiarly draconian is precisely the problem of bribery to the tow truck operator, and by eliminating his discretion, the present law seeks to alleviate the possibility of a bribe being passed.

SENATOR GOLD: I don't -- I'm sorry, Senator. I don't follow that.

SENATOR GOODMAN: The tow truck operator under the present arrangement has no discretion to release the car.

SENATOR GOLD: Right.

SENATOR GOODMAN: It's on the hook, and there it must remain.

SENATOR GOLD: Right. And he takes it away.

SENATOR GOODMAN: He takes it

away to the pound, and there you must go and pursue it and find it and pay an exorbitant fee.

SENATOR GOLD: If I may, Mr. President. I assume under the present system, which obviously is a problem for the motorist, we at least have a system where we're not opening it up to bribery.

Under a system where he can release the vehicle, I mean is there any thought being given as to whether or not this is going to open up a new business for some of these -

SENATOR GOODMAN: Well, first of all, the present system does give rise to the possibility of bribery, but the -- and the way it does is that the hook is in the car, the car is elevated and being ready to be towed away. Someone comes up and says, "I'll give you 200 bucks if you release my car," or 300 or whatever. A dishonest operator can release it. But if the dishonest operator is seen releasing it by any enforcement officer, that man obviously is in very deep trouble.

SENATOR GOLD: Yes.

SENATOR GOODMAN: Under the present -

SENATOR GOLD: Under the new law -

SENATOR GOODMAN: Under the proposed -

SENATOR GOLD: May I ask -

SENATOR GOODMAN: Can I just conclude with the answer to your question?

SENATOR GOLD: Of course, Senator.

SENATOR GOODMAN: Under the new law, the operator of the tow truck has the right provided that the appropriate credentials have been showed to him to accept the -- in effect, to issue a bill to the driver. In the event that he is caught not issuing that bill after having released the truck from the hook, he is in the same kind of trouble that he would be under existing law. Police officer comes up, can at any time ask to see the credentials of the operator, of the automobile operator and the tow truck operator, can examine the attendant

forms and papers that have been filled out. And if they haven't, then their unleashes a very severe penalty just as it would now. The only difference is that the driver is relieved in hopefully the majority -- great majority of cases from all of the inconvenience we have discussed.

SENATOR GOLD: Senator, if you'll yield to one more question?

SENATOR GOODMAN: Sure.

SENATOR GOLD: I believe that you have stated the exact case. I just come to a different conclusion than you do.

Under the present law if a tow truck operator releases the car, there is no valid reason to do that and you know that the fellow is doing something wrong.

But I can envision under the new law, which I'm not saying is a bad idea, if you see a tow truck operator releasing the vehicle, he could have the form and then he -- you know, as soon as they look around, the car is down, "Here's your form," you know, "Here's your 35

bucks", or whatever. He's out of there or whatever; it's gone or whatever.

I mean it just sets up I think a legal situation for them to be able to release the car which would make it harder I would think for the police officer to determine whether it's a legal letting go of the car or an illegal letting go of the car.

SENATOR GOODMAN: Senator, from a systems analysis standpoint what is happening is the tow truck operator has a book of forms in numerical sequence, I presume, and these forms have the usual carbon attachments, and what have you, so that when the truck is released from the hook it can only be released provided a set of those forms has been filled out. One is given to the individual driving the car and one remains in the book, or several do, for dispersion to different parts of the bureaucracy. If a police officer comes up and asks to inspect the book and finds that the form has not been issued, that's readily apparent because there will be no carbon copy, in effect,

available to reflect that transaction, and he will say, "Why is there no carbon copy?" You are under arrest, and you will spend the next several years in a free hotel. And that is the disposition of the matter.

SENATOR GOLD: Yes. Mr. President. Thank you. On the bill.

ACTING PRESIDENT LIBOUS: Senator Gold on the bill.

SENATOR GOLD: Now, Senator Goodman, everyone knows why we admire you. You have now invented a book that doesn't exist. We can only hope that when the law comes about they will have such a book. The law says that there will be some regulation.

SENATOR GOODMAN: Will Senator Gold yield?

SENATOR GOLD: My pleasure.

SENATOR GOODMAN: Your compliment to my imagination is appreciated, but I am basing this upon an understanding I think we share of a police officer summons book. You've been around for a while -

SENATOR GOLD: Oh, yes, Senator, of course -

SENATOR GOODMAN: -- and that involves a book with forms very similar to the type that I just described to you.

SENATOR GOLD: No, but, Senator -- if I may, Mr. President.

ACTING PRESIDENT LIBOUS: Thank you, Senator Gold.

Ladies and gentlemen, I would hope that you would address the chair.

SENATOR GOODMAN: And the question is, don't those forms give us protection, in fact?

SENATOR GOLD: Yes -

ACTING PRESIDENT LIBOUS: Senator Gold, do you wish the floor?

SENATOR GOLD: Yes, thank you. I've got it right here (indicating with his foot.)

Mr. President. Senator Goodman, I'm going to vote for the bill. I think it's a good idea.

The bill says that there will be some regulations, and I guess maybe as a result of the regulations there will be a book. Senator, since we have no program today, they cannot have a book that is a release book. Maybe they will take your suggestion and create such a book.

But I hope that we're really not -- for the people that we're helping, I hope we're not opening the door to a new business. I mean the people who manage to take what we do and make new businesses out of it or have great imaginations, and I don't think this one takes too much imagination.

At any rate, it certainly is worth a try and I'm going to support it, Senator Goodman, and thank you for your courtesy of answering.

ACTING PRESIDENT LIBOUS: There's a home rule message at the desk.

Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT LIBOUS: The bill is passed.

SENATOR GALIBER: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Galiber.

SENATOR GALIBER: Mr. President, could you tell me if the bill is not out of the house yet how I was recorded on 1378?

ACTING PRESIDENT LIBOUS: I believe you were recorded in the affirmative, Senator Galiber.

SENATOR GALIBER: Record it in the negative, please.

ACTING PRESIDENT LIBOUS: Senator Galiber in the negative, without objection.

SENATOR WALDON: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Waldon.

SENATOR WALDON: I request the

same procedure for that bill.

ACTING PRESIDENT LIBOUS: Senator Waldon, you were recorded in the affirmative and you would prefer to be in the negative on that bill?

SENATOR WALDON: That's correct.

ACTING PRESIDENT LIBOUS: Without objection.

SENATOR GALIBER: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Galiber.

SENATOR GALIBER: While I'm standing, could I have unanimous consent to be recorded in the negative on 1086 and 1361.

ACTING PRESIDENT LIBOUS: 1086 and 1361.

SENATOR GALIBER: Yes, sir.

ACTING PRESIDENT LIBOUS: In the negative, without objection.

SENATOR GALIBER: Thank you.

ACTING PRESIDENT LIBOUS: Senator Present.

SENATOR PRESENT: Do you want to

recognize Senator Holland, please.

ACTING PRESIDENT LIBOUS: I recognize Senator Holland.

SENATOR HOLLAND: How are you? Could you remove the star on my bill, Calendar 381, Senate Print 488.

ACTING PRESIDENT LIBOUS: The bill is starred, Senator.

Senator Present.

SENATOR HOLLAND: Remove the star.

ACTING PRESIDENT LIBOUS: Remove the star. The star is removed.

Senator Present.

SENATOR PRESENT: Mr. President. May we have Calendar 1366, please.

ACTING PRESIDENT LIBOUS: 1366. But before we do that, Senator Present, could I recognize Senator LaValle?

SENATOR PRESENT: Sure.

SENATOR LAVALLE: Mr. President. Would you remove the star from Calendar Number 910.

ACTING PRESIDENT LIBOUS: Star is removed from Calendar Number 910.

Secretary will read.

THE SECRETARY: Calendar Number 1366, by Senator Tully, Senate Bill Number 3335, an act to amend the Insurance Law.

SENATOR SOLOMON: Explanation.

SENATOR GOLD: Explanation.

ACTING PRESIDENT LIBOUS: Explanation, Senator Tully.

SENATOR TULLY: Yes, Mr. President. This bill amends Section 3233 of the Insurance Law by requiring that the garden spots of Nassau and Suffolk Counties constitute one geographic region for the purpose of demographic and high cost claims sharing pools established pursuant to Section 3233.

SENATOR SOLOMON: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Solomon.

SENATOR SOLOMON: Yes. Will Senator Tully yield, please.

ACTING PRESIDENT LIBOUS: Senator

Tully, would you yield to Senator Solomon?

SENATOR TULLY: I would be delighted.

ACTING PRESIDENT LIBOUS: He would be delighted.

SENATOR SOLOMON: Thank you.

Senator, can you tell me what impact this legislation will have on community rating and open enrollment in terms of the specific geographic areas that are currently involved in it?

SENATOR TULLY: It would have a very positive effect for the residents of Nassau and Suffolk Counties, Mr. President, in that a study conducted by Milliman & Robertson, who are actuaries and consultants who were hired at the request of the Long Island Association, a consortium of businesses in Nassau and Suffolk Counties, reflected that combining Long Island with the counties as they presently are would add 2.6 percent to the health insurance premiums of small businesses and individuals as opposed to Long Island standing alone on the demographic

pooling issue.

SENATOR SOLOMON: So -

ACTING PRESIDENT LIBOUS: Senator Solomon, do you have another question?

SENATOR SOLOMON: Yes. Senator, if you will continue to yield. So, in effect, what this bill will do is raise the health insurance premiums for people who reside in Rockland and Westchester Counties and New York City?

ACTING PRESIDENT LIBOUS: Senator Tully.

SENATOR TULLY: Mr. President. That is an assumption that only Senator Solomon can make. What I have indicated is that the cost would be 2.6 percent more to the residents of Long Island.

At the time that the open enrollment and community rating bill was negotiated, it was clear that the ability through regulation to create regions would reside in the Commissioner of Insurance, and Long Island has long been recognized as a

distinct region by both the federal and the state government with respect to population demographics, economic development, health care planning, and hospital, nursing home and physician rate setting. This is consistent with regional business structures and is intended to provide symmetry between regional health and business economics.

So history indicates that in every area Long Island is considered separate and distinct, and they should not be thrown together with the other counties. We did not anticipate, Mr. President, that the Commissioner would do such a thing. And having done it, we're now seeking to rectify an error that he made.

ACTING PRESIDENT LIBOUS: Senator Solomon.

SENATOR SOLOMON: Senator, if you would just yield, because I thought you said that this bill would increase rates in Nassau and Suffolk.

SENATOR TULLY: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Tully.

SENATOR TULLY: Combining Long Island with these other counties would add 2.6 percent to the health insurance premiums of small businesses in our area. That's correct.

SENATOR SOLOMON: Well, they're currently combined now, though.

SENATOR TULLY: Mr. President. I didn't hear the question.

ACTING PRESIDENT LIBOUS: Senator Solomon, your question?

SENATOR SOLOMON: Those counties are currently within this grouping; correct?

SENATOR TULLY: That's why we have this bill before us, Senator Solomon.

SENATOR SOLOMON: Right. Senator, one other question. What happens if, next, we have Suffolk County that decides, well, you know, if we break apart from Nassau county, we will have reduced rates because Nassau County has a high incidence of breast cancer, for instance? I mean where is this going to end?

And then, someone says, you know -- and eastern Suffolk breaks away from western Suffolk because for some other reasons they make a determination that in fact it will be a lower rate? When does this end?

SENATOR TULLY: That's an excellent question, Senator Solomon.

I would think that if, for instance, Suffolk County was seeking to break away from Nassau, as you've indicated, then they would be flying in the face of the historic joinder of the two counties for all of the reasons I previously expressed.

SENATOR SOLOMON: One other -

SENATOR LIBOUS: Senator Solomon, one other question. Will you yield?

SENATOR TULLY: Yes.

SENATOR SOLOMON: I thought that the Nassau County-Suffolk -- I believe it was the federal government that had designated it as a region or an economic region. I thought they had recombined it with New York City recently in the Metropolitan area.

SENATOR TULLY: While we recognize what a great community New York City is, for purposes such as we're describing today, we prefer to stand alone.

SENATOR SOLOMON: Thank you. On the bill.

ACTING PRESIDENT LIBOUS: Senator Solomon on the bill.

SENATOR SOLOMON: As Senator Tully indicated, the net impact of this bill would be beneficial to Nassau and Suffolk County but detrimental -- if it's obviously going to lower the rates for those two counties by allowing them to break out of the region, it's going to be detrimental to counties such as Westchester, Rockland, and the New York City boroughs.

The impact of community rating is to take large geographic areas and combine them to spread out the risk so that we don't have differences in rates because of the specific area in which you live. And this bill, in fact, flies in the face of the community rating bill

which was passed last April -- excuse me, last July, by this Legislature to even out those rates among senior citizens and younger people and people that were ill.

So if we vote for this bill, we are in fact starting to take apart that community rating, and I should warn those of you that are in other counties that in fact this bill could end up increasing the insurance rates for those people that are in your counties as of now.

And I would recommend a no vote if you live in or represent Rockland, Westchester and New York City on this bill.

Thank you, Mr. President.

ACTING PRESIDENT LIBOUS: Read the last section.

Senator Tully.

SENATOR TULLY: On the bill to explain my vote. Senator Solomon -- I know of his keen interest in being sure that everything is being done in terms of equity, and I think all we're asking here is that we consider the

historical joinder of those two counties. And the fact is that the Commissioner in his infinite wisdom made an error in including these counties with the others. They have always stood alone.

And just as he has broken down the pools into seven regions throughout the state, he just made an error in including these two in that particular pool. We're asking that it be rectified.

Thank you, Mr. President.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58, excuse me. Ayes 58, nays one. Oh, wait a minute.

Those recorded in the negative on Calendar Number 1366 are Senators Connor, Gold, Leichter, Markowitz, Ohrenstein, Onorato and

Solomon. Ayes 52, nays 7.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1381, by Senator Daly, Senate Bill Number 5256A, Private Housing Finance Law.

SENATOR GOLD: Last section.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1389, by Senator Pataki.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT LIBOUS: Lay that aside for the day.

THE SECRETARY: Calendar Number 1391, by Senator Lack, Senate Bill Number 5886A, Workers' Compensation Law.

ACTING PRESIDENT LIBOUS: Explanation. Senator Lack.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT LIBOUS: Lay it aside.

THE SECRETARY: Calendar Number 1392, by Senator Volker, Senate Bill Number 5915a, temporarily exempt from medical licensure requirements physicians from foreign countries.

SENATOR GOLD: Yes. Will Senator Volker yield to a question?

ACTING PRESIDENT LIBOUS: Senator Volker, would you yield to a question?

SENATOR VOLKER: Sure.

SENATOR GOLD: Senator, just a question. Somebody raised it. I forget who, but I figured you wouldn't mind giving an answer to this. I assume that the intent here is to allow the various competitors to bring their own medical people with them.

SENATOR VOLKER: Right.

SENATOR GOLD: But the way the bill reads, it doesn't seem to limit them to - these doctors to doing that. It gives them the right on a temporary basis to do anything. Am I misreading it?

SENATOR VOLKER: No, I think you are misreading it, Senator.

Senator, by the way, this legislation is patterned exactly after legislation that was passed for the Olympics in 1980, and the reason for it is that so many of these countries and these teams that travel, travel with their own medical people. And under the rules of New York, you can't practice medicine in New York unless you are licensed in New York. And as a result, there is no way that these people could even be authorized by state-to-state medical societies. So that's what the thrust of this is about.

SENATOR GOLD: Yes, Senator, my question was not very artfully phrased. I don't mean that during that period they can go out and

give general medical attention. The bill specifically says in connection with the games.

SENATOR VOLKER: Right.

SENATOR GOLD: But I just wanted to understand -- the way I read it, if somebody comes in here, they can -- even though they may come with one team or they may come with one player, but once they are here they under this bill would be authorized to pick up new clientele.

SENATOR VOLKER: No.

SENATOR GOLD: Well, that's the point.

SENATOR VOLKER: Absolutely not. In fact, if you read it, in both sections it talks about in relation to World University Games athletes or staff.

SENATOR GOLD: Yes, but they can deal with anybody who's connected with the games. It wouldn't have to be the client they came with.

SENATOR VOLKER: Yes, I suppose that's true.

SENATOR GOLD: I'm not saying that's bad or good. It's just something -

SENATOR VOLKER: But they couldn't go outside the games, though, is what I'm saying.

SENATOR GOLD: No.

SENATOR VOLKER: Yes, okay.

ACTING PRESIDENT LIBOUS: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Would Senator Volker yield to another question?

ACTING PRESIDENT LIBOUS: Senator Volker, would you yield to Senator Dollinger?

SENATOR VOLKER: Certainly.

SENATOR DOLLINGER: My question, Senator, is are there equestrian events at the World University Games? Can we anticipate that veterinarians might run into the same problem?

SENATOR VOLKER: I suppose -- as my counsel said, "Not that they've told us." But I guess there would probably be equestrian events at the game. I don't know if teams would

bring their own veterinarians, but I suppose they would, but no one has told us that that would be a problem, but you may well be right.

SENATOR DOLLINGER: That's fine, Mr. President. I didn't know. I figured that that's the one difference between winter Olympics and summer Olympics is that there's animals.

SENATOR VOLKER: That's probably a good point, but I think the -- water polo?

I think the -- the reason for this bill apparently is that there was another bill that we had, too. I think it related to the -- oh, it was Sunday sports that we just passed. These are all patterned on the same kinds of things that had to be passed for the Olympic Games back in 1980, and that's where this came from. You may well be right, but no veterinarian has told us it's a problem. So I guess -

SENATOR DOLLINGER: That's one we don't need to solve then, now.

ACTING PRESIDENT LIBOUS: Read

the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1395, by Senator Wright, Senate Bill Number 5944, an act to amend the Real Property Tax Law.

SENATOR GOLD: Hold on one second, please.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT LIBOUS: Senator Dollinger would like an explanation, Senator Wright.

SENATOR WRIGHT: Be glad to, Mr. President.

The bill amends the Real Property Tax Law to provide that in the event that conservation easements are acquired by the state

in the Tug Hill region that they will be subject to taxation. This is a similar provision to what is currently afforded in the Adirondack region and in the Catskill region and other regions of the state where there are protected watersheds. It provides a protection to the tax base of the local governments in that region.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Dollinger.

SENATOR DOLLINGER: A couple quick questions if Senator Wright will yield, Mr. President.

ACTING PRESIDENT LIBOUS: Will you yield to a couple quick questions?

SENATOR WRIGHT: I'll be glad to.

SENATOR DOLLINGER: Senator, does this apply to donated easements, as well?

SENATOR WRIGHT: Yes.

SENATOR DOLLINGER: So if it was simply donated by someone to the state, the state would have to pay the taxation costs?

SENATOR WRIGHT: That is correct. They pay the difference.

SENATOR DOLLINGER: Two, what about -- I understand that this is a specific region of the state. My question is why wouldn't there be a statewide rule, whenever the state takes a scenic easement or a slope easement or whatever it is, a conservation easement, why wouldn't we do this on a statewide basis?

SENATOR WRIGHT: Well, in fact, I think we could and should. If you will recall yesterday's discussion in terms of the environmental trust fund, in fact there is provision in that particular statute that we supported yesterday to extend that statewide so that, in fact, all of the state would enjoy that benefit. In the absence of achieving both houses' support of that particular bill, we felt we needed to address the particular area of the state that has been designated the Tug Hill region.

SENATOR DOLLINGER: A final

question, Mr. President.

Do you know what the total cost to the state of the easements in the Tug Hill - and I know the Tug Hill area pretty well. Do you have any idea what we pay in lieu of taxes or as a tax payment to the communities?

SENATOR WRIGHT: Well, right now, you don't have a requirement that you make that payment. That's what this bill would require to do.

And in terms of establishing an estimate for that particular easement, it all depends on the amount of the easement, the actual reduction in the assessed value when the easement is taken.

But anticipate that right now there is only a limited area of easements actually under discussion, so it would have minimal impact.

SENATOR DOLLINGER: Just one other question, Mr. President. The answer triggered it. I remember when Senator Stafford talked at some length about the state's reaction

to assessments by local assessors over values that should be associated with easements and with takings by the state. His suggestion was that the state through obstreperous litigation practice, I think, in his words, had caused the communities to spend a lot of money litigating value and spend a lot of the taxpayers' money trying to figure out what these properties were worth for assessment purposes.

My question is, do you have any thoughts about doing something in Tug Hill differently to get that out of the courts or perhaps putting it in binding arbitration or perhaps some other provision that would avoid that seemingly needless conflict between the state and its subdivision over land values for taxation purposes.

SENATOR WRIGHT: No, we do not have that reflected in this particular bill. I share the Senator's concerns as they were articulated yesterday.

And, in fact, we've dealt with a number of areas where we've talked about the

same kind of issue, and that's the overstepping of their regulatory bounds and authority by agencies, and I think this is just but one more example that falls into that general category where agencies are really exceeding their statutory authority for their interests as opposed to the broader statewide interest.

So in that generic sense, I think it needs to be addressed, but this particular bill does not do that.

SENATOR DOLLINGER: Mr. President. On the bill.

I'm going to vote in favor of this bill. I know the Tug Hill region reasonably well, and I see the wisdom of entering into this kind of relationship. I do hope that this is really a foreshadowing of treatment on a statewide basis that would do that, whether it's under an environmental act or environmental trust fund act, however it comes, that we adopt this kind of approach for the entire state, and I would just hope that the Majority might consider some alternative to

litigation in a dispute between the local assessor and the state about how much payment for tax is going to have to be made on state-owned lands.

I understand, and frankly appreciate, Senator Stafford's point that was made yesterday. I think Senator Wright is aware of it, but there's got to be a way that we can kick out of the court system this extremely litigious problem with value.

And I'd point out that I agree with -- I think Senator Leichter or Senator Gold yesterday who said unfortunately what you have is the home town assessor who's trying to put as much value as he can on the state property to generate as much income for the home town voters as he or she can, and that tends to put two parties in completely opposite position -- the state hoping to reduce its tax costs; the assessor hoping to pass as much value as possible on to the state. And it seems to me that there could be some way for the Majority to work out a system of arbitration, some system

that would avoid the kind of litigation stranglehold on small communities that appears to be involved here.

So I would just offer that as a thought to my colleague from Jefferson County.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1403, by Senator Larkin, Senate Bill Number 5989, amends Chapter 680 of the Laws of 1976, amending the Local Finance Law.

SENATOR GOLD: The Senator yield to one question?

ACTING PRESIDENT LIBOUS: Senator Larkin.

Senator Present.

SENATOR PRESENT: While we're waiting for Senator Larkin, may I go back to motions?

ACTING PRESIDENT LIBOUS: Certainly can.

SENATOR PRESENT: Mr. President. On page 30, I offer the following amendments to Calendar 1320, Senate Print 5991, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT LIBOUS: Without objection.

Senator Kuhl.

SENATOR KUHL: Yes, also in the same vein, Mr. President. On behalf of Senator Hannon, I wish to call up his bill, Senate Print 5006, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LIBOUS: Secretary will read.

THE SECRETARY: By Senator Holland, Senate Bill Number 5006, an act to

amend the Public Authorities Law.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT LIBOUS: The bill is before the house.

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

ACTING PRESIDENT LIBOUS: Amendments received.

SENATOR KUHL: Also, Mr. President, on behalf of Senator Hannon, I wish to call up Calendar Number 470, Assembly Print Number 1829A.

ACTING PRESIDENT LIBOUS: Secretary will read.

THE SECRETARY: Assembly Bill Number 1829A, an act to amend the Private

Housing Finance Law.

SENATOR KUHL: I now move to reconsider the vote by which this Assembly bill was substituted for Senator Hannon's bill, Senate Print Number 3174A, on June 22 of this year.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT LIBOUS: The bill is before the house.

SENATOR KUHL: I now move that Assembly Bill Number 1829A be recommitted to the Committee on Rules and that my Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT LIBOUS: Without objection.

Senator Wright.

SENATOR WRIGHT: Mr. President. I request unanimous consent to be recorded in the negative on Calendar Number 1068.

ACTING PRESIDENT LIBOUS: Without objection.

SENATOR WRIGHT: And I have several motions, Mr. President.

ACTING PRESIDENT LIBOUS: Certainly, Senator Wright.

SENATOR WRIGHT: On page number 12, I offer the following amendments to Calendar Number 614, Senate Print Number 4108A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT LIBOUS: Without objection.

SENATOR WRIGHT: On page 27, I offer the following amendments to Calendar Number 1193, Senate Print Number 5768A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT LIBOUS: Without objection.

Senator Larkin, explanation is requested.

Oh, Senator Larkin has a motion.

SENATOR LARKIN: Mr. President, I wish to call up my bill, Print Number Senate 3985, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LIBOUS: Secretary will read.

THE SECRETARY: By Senator Larkin, Senate Bill Number 3985, an act to amend the General Municipal Law.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT LIBOUS: The bill is before the house.

SENATOR LARKIN: I now offer the following amendments.

ACTING PRESIDENT LIBOUS: Amendments received.

THE SECRETARY: On page 21 of today's calendar, Senator Farley moves to discharge the Committee on Rules from Assembly Bill Number 7107B, and substitute it for the identical Third Reading 889.

ACTING PRESIDENT LIBOUS: Substitution ordered.

1403, secretary will read the title.

THE SECRETARY: Calendar Number 1403, by Senator Larkin, Senate Bill Number 5989, amends Chapter 680 of the Laws of 1976.

ACTING PRESIDENT LIBOUS: Explanation. Senator Larkin, an explanation was requested earlier when you were -

SENATOR GOLD: Last section.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT LIBOUS: The bill is passed.

Senator Present.

SENATOR PRESENT: Recognize Senator Pataki.

ACTING PRESIDENT LIBOUS: Senator Pataki.

SENATOR PATAKI: Yes, Mr. President. I request unanimous consent to be recorded in the negative on Calendar 1068.

ACTING PRESIDENT LIBOUS: Without objection.

Senator Present.

SENATOR PRESENT: Mr. President, I believe there is a privileged resolution of Senator Lack's at the desk. May we have the title read and acted upon.

ACTING PRESIDENT LIBOUS: Secretary will read.

THE SECRETARY: Legislative Resolution, by Senators lack, Marino, and others, paying tribute to the life and

contributions of Suffolk County Planning Commissioner Arthur Kunz.

ACTING PRESIDENT LIBOUS: On the resolution. All those in favor, indicate by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

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

ACTING PRESIDENT LIBOUS: Secretary will read.

THE SECRETARY: By Senator Goodman, Legislative Resolution, honoring the life of Ethel Hausman.

ACTING PRESIDENT LIBOUS: On the resolution. All in favor, say aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present, that concludes everything here at the desk.

SENATOR PRESENT: Mr. President. There being no further business, I move that - after you recognize Senator Seward.

ACTING PRESIDENT LIBOUS: The chair recognizes Senator Seward.

SENATOR SEWARD: Thank you, Mr. President. I would like unanimous consent to be recorded in the negative on Calendar Number 1068.

ACTING PRESIDENT LIBOUS: Without objection.

Senator Present.

SENATOR PRESENT: Now, there being no further business, I move that we adjourn until tomorrow at 1:30 p.m.

ACTING PRESIDENT LIBOUS: Senate stands adjourned until tomorrow at 1:30 p.m.

(Whereupon, at 6:41 p.m., Senate adjourned.)