ALBANY, NEW YORK

July 4, 1993

4:03 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

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

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

(Whereupon, there was a moment of silence.)

Secretary will again by reading the Journal.

THE SECRETARY: In Senate, Saturday, July 3. The Senate met pursuant to adjournment. The Journal of Friday, July 2, was read and approved. On motion, Senate adjourned.

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

The order of business:

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

We have a report of a standing committee, Senator Present.

SENATOR PRESENT: We'll read it.

ACTING PRESIDENT FARLEY: Secretary will read it.

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

Senate Bill Number 720D, by Senator Stafford, Environmental Conservation Law;

1369B, by Senator Jones, authorizing the town of Henrietta to establish a transportation development district;

1524, by Senator LaValle, Volunteer Firefighters Benefit Law;

2739A, by Senator Larkin, Real Property Tax Law;

3332D, by Senator Goodman, in

relation to franchises for street surface railroads;

4188, by Senator Stafford, Racing, Pari-mutuel Wagering and Breeding Law;

4189, by Senator Stafford, to repeal subparagraph (e) of paragraph 2;

4190A, by Senator Stafford, Racing, Pari-Mutuel Wagering and Breeding Law;

4191, by Senator Stafford, to repeal paragraph (g) of subdivision 1;

4291A, by Senator Goodman, Real Property Tax Law;

4531, by Senator Velella, Transportation Law and the Vehicle and Traffic Law;

4627, by Senator Saland, Retirement and Social Security Law;

4894A, by Senator Stafford, Tax Law and the Criminal Procedure Law;

5301A, by Senator Velella, Administrative Code of the city of New York;

5596C, by Senator Tully, Public Health Law;

5650A, by Senator Connor, Public Authorities Law;

5833A, by Senator Goodman, Public Authorities Law;

5849A, by Senator Hannon, Real Property Tax Law;

5882A, by Senator Seward, authorize the merger of the Percy I. Bugbee Foundation.

6023, by Senator LaValle, Education Law;

6058A, by Senator Skelos, Insurance Law;

6066, by Senator Mega, Temporary State Commission on Brooklyn Recreational Facilities;

6083, by Senator Padavan, Alcoholic Beverage Control Law;

6084, by the Committee on Rules, Private Housing Finance Law;

6085, by the Committee on Rules, Tax Law;

6086, by the Senate Committee on

Rules, to amend Chapter 502 of the Laws of 1992;

6087, by Senator Pataki,

Religious Corporations Law;

6101, by Senator LaValle,

Education Law;

6102, by Senator Tully, Education

Law;

6110, by Senator DeFrancisco,

amend chapter of the Laws of 1993;

6111, by the Committee on Rules,

amends Chapter 348 of the Laws of 1989;

6113, by the Committee on Rules,

Education Law;

6126, by the Committee on Rules,

amends Chapter 537 of the Laws of 1976;

6132, by the Committee on Rules,

Education Law;

6135, by Senator Pataki, amends

Chapter 817 of the Laws of 1992;

6145, by Senator LaValle,

Education Law;

And 6147, by the Committee on

Rules, amends a chapter of the Laws of 1993.

All bills reported directly for third reading.

SENATOR FARLEY: All bills are reported directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions. Motions on the floor?

Senator Holland.

SENATOR HOLLAND: Yes, Mr. President. On page 23, I offer the following amendments to Calendar Number 1133, Senate Print Number 5270A, and ask that the said bill retain its place on the Third Reading Calendar. It's Senator Saland's bill.

ACTING PRESIDENT FARLEY: Without objection.

Are there any other motions on the floor?

(There was no response.)

Seeing none, we have some substitutions, Senator Present.

SENATOR PRESENT: Take care of them.

ACTING PRESIDENT FARLEY: Secretary will read the substitutions.

THE SECRETARY: On page 19, Senator Libous moves to discharge the Committee on Rules from Assembly Bill Number 7171A and substitute it for the identical Third Reading 897.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: On page 33, Senator Bruno moves to discharge the Committee on Rules from Assembly Bill Number 4238A and substitute it for the identical Third Reading 1470.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: On page 33, Senator Marino moves to discharge the Committee on Rules from Assembly Bill Number 7913A and substitute it for the identical Third Reading 1479.

ACTING PRESIDENT FARLEY:

Substitution is ordered.

THE SECRETARY: On page 34, Senator Marino moves to discharge the Committee on Rules from Assembly Bill Number 8737 and substitute it for the identical Third Reading 1504.

ACTING PRESIDENT FARLEY:

Substitution is ordered.

THE SECRETARY: On page 35, Senator Goodman moves to discharge the Committee on Rules from Assembly Bill Number 3134 and substitute it for the identical Third Reading 1508.

ACTING PRESIDENT FARLEY:

Substitution is ordered.

THE SECRETARY: On page 37, Senator Marchi moves to discharge the Committee on rules from Assembly Bill Number 8736 and substitute it for the identical Third Reading 1526.

ACTING PRESIDENT FARLEY:

Substitution is ordered.

THE SECRETARY: On page 38, Senator Trunzo moves to discharge the Committee on Rules from Assembly Bill Number 8765 and substitute it for the identical Third Reading 1527.

ACTING PRESIDENT FARLEY: Substitution ordered.

Senator Present, what's your pleasure?

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

ACTING PRESIDENT FARLEY: The non-controversial calendar. The Secretary will read.

THE SECRETARY: On page 6, Calendar Number 339, by Senator Sears, Senate Bill Number 3452B, with an Assembly Reprint Number of 30000, Agriculture and Markets Law, in relation to manufacturer's information.

SENATOR KUHL: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number

395.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that aside for today.

THE SECRETARY: Calendar Number 470, by member of the Assembly Lasher.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 588, by Senator Kuhl, Senate Bill Number 3539A, Agriculture and Markets Law.

SENATOR GOLD: Lay it aside for the week.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 614, by Senator Wright, Senate Bill Number 4108B, State Administrative Procedure Act.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 697, by Senator Spano, Senate Bill Number 2026 with an Assembly Reprint Number of 30001, Mental Hygiene Law and the Social Services Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 864, by Senator Lack, Senate Bill Number 4768B,

an act to amend the Penal Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1000, by Senator Wright, Senate Bill Number 4277, authorize the sale of certain state land in the town of Ellisburg.

ACTING PRESIDENT FARLEY: Read the last section.

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

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number

1211, by member of the Assembly Mayersohn, As sembly Bill Number 6677B Criminal Procedure Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR GALIBER: Lay that bill aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1250, by Senator Hannon, Senate Bill Number 4897.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR SOLOMON: Lay it aside.

ACTING PRESIDENT FARLEY: Oh, lay it aside? Okay.

SENATOR LIBOUS: Was 1211 also laid aside?

ACTING PRESIDENT FARLEY: Yes, it was.

THE SECRETARY: Calendar Number 1251, by Senator Lack, Senate Bill Number 5263, an act to amend the Labor Law.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that aside for today.

THE SECRETARY: Calendar Number 1260, by the Senate Committee on Rules, Senate Bill Number 5853A, General Municipal Law.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1308, by Senator LaValle, Senate Bill Number 3176A, an act to amend the Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1326, by Senator Trunzo, Senate Bill Number 3463A, Real Property Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1338, by Senator Hannon, Senate Bill Number 5206.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1348, by the Assembly Committee on Rules, Assembly Bill Number 8464A, Administrative Code of the city of New York.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1371, by member of the Assembly Lasher, Assembly Bill Number 58 -

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1389, by Senator -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1423, by the Senate Committee on rules, Senate Bill Number 5702, amends Chapter 879 of the Laws of 1936.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1428, by Senator Trunzo, Senate Bill Number 5974A, an act to amend the Highway Law.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1431, by the Senate Committee on Rules.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1452, by the Senate -

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1454, by the Senate Committee -

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay

that bill aside.

THE SECRETARY: Calendar Number 1469, by the Assembly Committee on Rules, Assembly Bill Number 8418, Estates, Powers and Trust Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1470, substituted earlier today, by member of the Assembly Proskin, Assembly Bill Number 4238A, Civil Practice Law and Rules.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1473, by member of the Assembly Balboni, Assembly Bill Number 7012A, an act to amend the Banking Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1478, by the Assembly Committee on Rules, Assembly Bill Number 86 -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1479, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7913A, service credit in the New York State Teachers' Retirement System.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42, nays 2. Senators Galiber and Gold recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1487, by member of the Assembly Diaz, Assembly Bill Number 6103B, General City Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43, nays 1. Senator Pataki recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1489, by Senator Holland, Senate Bill Number 3996, relating to solid waste treatment.

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

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1493.

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

ACTING PRESIDENT FARLEY: Lay

that aside.

THE SECRETARY: Calendar Number 1502, by the Assembly Committee on Rules, Assembly Bill Number 8219A, an act to amend the Highway Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR GOLD: Mr. President. Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yes, I would like to explain my vote. On this bill, Mr. President, the only objection that I have to it is the fact that the sponsorship seems to be all from the Republican Party, and the bill says it's at the request of the Governor.

I would like the record to

indicate very, very clearly that had I been asked to co-sponsor this bill, it would have been an honor and I think there are many, many people on this side of the aisle if not everyone who would have considered it an honor.

Malcolm Wilson may have been elected Lieutenant Governor as a Republican, but he is, in my opinion a state treasure. He is one of the finest humans that I have met in government, regardless of party affiliation, obviously.

And I am going to vote for this, but I do have that little bit of remorse in my heart that when it was put in, whoever it was that had the job of giving out sponsorship and asking for co-sponsors, they did a disservice to me, they did a disservice to Senator Galiber and Mendez, et cetera, et cetera, and certainly one to Malcolm Wilson because he is not the hero of the Republican Party. He is, in my opinion, a hero of the state of New York.

I vote in the affirmative.

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43, nays 1, Senator Holland recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1504, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8737, Administrative Code of the city of New York.

ACTING PRESIDENT FARLEY: There is a home rule message or a request here at the desk. Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1505, by the Senate Committee on Rules, Senate

Bill Number 6077, to authorize Lawrence Leff retroactive membership in New York State Employees' Retirement System.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42, nays 2. Senators Galiber and Gold recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1506, by the Senate Committee on Rules, Senate bill 6112, amends Chapter 336 of the Laws of 1992.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1507, by Senator Johnson, Senate Bill Number 6079, Environmental Conservation Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside. Withdraw the roll call.

THE SECRETARY: Calendar Number 1508, substituted earlier today, by member of the Assembly Sanders, Assembly Bill Number 3134A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Excuse me. Ayes 46, nays 1. Senator Mendez recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1509, by member of the Assembly Robach, Assembly Bill Number 3276, Alcoholic Beverage Control Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1510, by Senator Velella, Senate Bill Number 2230, an act to amend the Insurance Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1511, by Senator Montgomery, Senate Bill Number 3436B, authorize the Commissioner of General Services to lease to not-for-profit organizations certain property.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1512, by member of the Assembly Bragman, Assembly Bill Number 6135, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1513, by member of the Assembly Hoyt, Assembly Bill Number 6381, New York State Archives Partnership Trust Act.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1514, by Senator Sears.

SENATOR SEARS: Star the bill.

ACTING PRESIDENT FARLEY: Star the bill.

THE SECRETARY: Calendar Number 1515, by Senator Sheffer, Senate Bill Number 4132B, create a council known as the New York

State Quality Council.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1518, by the Assembly Committee on Rules, Assembly Bill Number 7910A, an act to amend the Insurance Law, in relation to certain unemployment insurance riders.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1519, by Senator Farley, Senate Bill Number 5133A, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1521, by the Assembly Committee on Rules, Assembly Bill Number 8044, Administrative Code of the city of New York.

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

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1523, by Senator Johnson.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1524, by the Assembly Committee on Rules, Assembly Bill Number 8582, General Business Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1525, by Senator Daly, Senate Bill Number 6036, an act to amend the Public Authorities Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1526, substituted earlier today, by the Assembly Committee on Rules.

SENATOR SOLOMON: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1527, substituted earlier -

ACTING PRESIDENT FARLEY: What's the matter?

SENATOR WALDON: Someone from the gallery threw something in the chamber, and I was objecting to that.

ACTING PRESIDENT FARLEY: Your point is well taken. Sergeant-at-Arms, check on that.

SENATOR WALDON: They reacted to my reaction.

ACTING PRESIDENT FARLEY: Thank you, Senator Waldon.

Regular order.

THE SECRETARY: Calendar Number 1527, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8765, an act to amend the Executive Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

SENATOR PRESENT: Mr. President, will you recognize Senator Cook, please.

ACTING PRESIDENT FARLEY: Senator Cook.

SENATOR COOK: Mr. President, could I remove the star on Calendar Number 954?

ACTING PRESIDENT FARLEY: 954 is starred.

SENATOR COOK: No, remove the star.

ACTING PRESIDENT FARLEY: Remove the star from 954, without objection.

Senator Pataki.

SENATOR PATAKI: Mr. President, I would like to place a sponsor star on Calendar

1389.

ACTING PRESIDENT FARLEY: 1389 is starred at the request of the sponsor.

Senator Present, what's your pleasure.

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

ACTING PRESIDENT FARLEY: Controversial calendar. Secretary will read.

THE SECRETARY: On page 6, Calendar Number 339, by Senator Sears, Senate Bill Number 3452B, with an Assembly Reprint Number of 30000, Agriculture and Markets Law, in relation to manufacturer's information.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Lay that bill aside temporarily.

THE SECRETARY: On page 8, Calendar Number 470, by member of the Assembly

Lasher, Assembly Bill Number 18 -

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay the bill aside.

THE SECRETARY: On page 10, Calendar Number 588, by Senator Kuhl, Senate Bill Number 3539, Agriculture and Markets Law.

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

ACTING PRESIDENT FARLEY: Lay it aside for today.

THE SECRETARY: On page 20, Calendar Number 1000, by Senator Wright, Senate Bill Number 4277, authorize the sale of certain state land in the town of Ellisburg.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: This is a two-thirds bill; isn't that right?

ACTING PRESIDENT FARLEY: Yes. We have two-thirds, Senator Gold.

SENATOR GOLD: This requires 41

votes. Last section.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR GOLD: Party vote in the affirmative.

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: On page 25, Calendar Number 1211, by member of the Assembly Mayersohn, Assembly Bill Number -

SENATOR MEGA: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Could you lay that bill aside temporarily.

THE SECRETARY: On page 25, Calendar Number 1250, by Senator Hannon, Senate Bill Number 4897.

SENATOR PRESENT: Lay that aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1260, by the Senate Committee on Rules, Senate Bill Number 5853A, General Municipal Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Who's got that?

SENATOR MALTESE: Mr. President.

ACTING PRESIDENT FARLEY: Senator Maltese.

SENATOR MALTESE: As you undoubtedly will recall, this is a bill that was explained the other day just recently. It provides that employers of police officers must determine the impact of rules and regulations relating to police vehicles upon the health and safety of the officers assigned to these vehicles.

As a result of the debate and some of the suggestions made on the floor, the

bill was amended, and excluded towns and villages.

ACTING PRESIDENT FARLEY: Senator Leichter, are you about to rise?

SENATOR LEICHTER: Senator, as I understand it, you are just burdening and putting the onus of this mandate on the city of New York.

SENATOR MALTESE: On the cities.

SENATOR LEICHTER: On cities generally. Also city of Buffalo, and so on.

SENATOR MALTESE: Yes, that's correct.

SENATOR LEICHTER: All right. Senator, yesterday, if you will be kind enough to yield, I believe you voted for a bill that all mandates would have to be funded. Am I correct?

SENATOR MALTESE: That is correct, Mr. President.

SENATOR LEICHTER: Yes. And Senator, did that express your opinion as to what should be done with mandates?

SENATOR MALTESE: Mr. President. As was indicated in the lengthy debate the other day, the costs of this proposal would be de minimus and would pale in comparison to the benefit to be gained in the saving of lives of police officers.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Mr. President, we know that there is nothing that we do here that doesn't in the long run end up saving money. In fact, we pass a few more bills like this by Senator Maltese, we will have a negative -- we will have a negative budget. We won't have to raise any taxes, any revenue, and so on.

But, Senator, let's get serious. It may be laughable because it's July 4th, and we're doing one-house bills, and bills that I frankly submit are very little merit. But if you're going to call us in here, if we're going to look foolish by being here July 4th doing things that we should have done in May or June

-- I know some people got in their vacation early in May and went off to Europe. Some of us have been here all along, Senator.

So we want to treat this -- you know, if we're going to do it, it's a laugher in some respects, but we're not going to treat it as a laugher. Senator, so what I'd like to understand from you is how if the -- as a result of this bill whether the city of New York or the city of Buffalo, some other cities, are going to require or be forced to have two police officers in cars where they believe that one may be perfectly satisfactory, how is that not going to cost money?

SENATOR MALTESE: Mr. President. The bill does not provide for the placement of any number of police officers in the car. What it does is it calls for a detailed comprehensive review, the same review that the municipalities would go through in order to make this change in any event and, further, calls for a further review by the Industrial Board of Appeals, which can be done by a simple petition.

SENATOR LEICHTER: Senator, if you would be good enough to answer. Isn't it a fact that as a consequence of this bill, there will be occasions when whether it's the city of New York or the city of Buffalo will want to have one police officer in the car that they will now have to submit that issue to a body that is not part of the municipal corporation that will make that final decision?

SENATOR MALTESE: The answer, Mr. President, is yes.

SENATOR LEICHTER: And isn't it a fact that the consequence of this is that there may be occasions when the city of New York or another city will deem that they sufficiently meet the safety needs of police officers; and to meet the needs of the security of people in the city of New York or these other cities, that they will want to have one police officer; and that the consequence of the procedure set by your bill will be that they will be forced to have two officers in the car?

ACTING PRESIDENT FARLEY: Will

you yield to that other question?

SENATOR MALTESE: Yes, Mr. President, I will yield. And I would like to say that it is my earnest hope and desire that after that review that will be called for, in any event, if that decision would be made that it would be made because of the issue of safety for these brave police officers would be paramount. So in this case, what we're seeking to do is to simply ensure that in a case where there perhaps might be a precipitous or ill-advised action simply for fiscal purposes, they would then pause. This would give them the pause and force, perhaps -- in response to Senator Leichter, perhaps force them to do the right thing.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Yes. If Senator Maltese continues to yield.

Senator, thank you. I think we're getting more to the point. You want to

force them to do this, to have two police officers. And a consequence of that clearly is a cost to the municipality, is it not?

SENATOR MALTESE: Mr. President, that's so.

SENATOR LEICHTER: Right. Getting back to my question. Where is the -

ACTING PRESIDENT FARLEY: Senator -- would you yield for another question?

SENATOR MALTESE: Mr. President, yes. And anticipating the remainder of Senator Leichter's questions, there is no requirement when we speak of these mandates, whether unfunded or funded, that every consequence, every natural consequence of every legislative act that we pass could be anticipated, contemplated and then paid for.

What we would provide for is the acts called for by this specific legislation which simply calls for the detailed comprehensive review and, in addition, calls for the appellate procedure.

SENATOR LEICHTER: Then -

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: If Senator Maltese continues to yield.

Then as I understand it, Senator, what you are saying is that there are some mandates where for one reason or another we may not fund them. Do I understand you correctly?

SENATOR MALTESE: Mr. President, I don't understand you correctly, Senator Leichter.

SENATOR LEICHTER: Well, Senator, we have finally reached the point where you conceded that the consequence of your bill may be a cost to the municipality, and we agree that's a mandate. It's being imposed by this legislative body on the municipality.

We have also established -

SENATOR MALTESE: No, Mr. President.

ACTING PRESIDENT FARLEY: Hold on now. Let's not have a two-way conversation here.

SENATOR MALTESE: Mr. President, if I might ask Senator Leichter to yield.

ACTING PRESIDENT FARLEY: Would you yield, Senator Leichter?

SENATOR LEICHTER: I was in the middle of a question, but I will yield.

SENATOR MALTESE: The statement by Senator Leichter said that this was a mandate. The very point I'm attempting to make is that if it is a mandate, it is a consequential mandate rather than a direct mandate.

SENATOR LEICHTER: Senator, so do I understand it that when you voted for this bill that said mandate must be funded, you had a mental reservation that consequential mandates, whatever that is, need not be funded. Is that correct?

SENATOR MALTESE: Mr. President. What I had in mind at that time would be mandates called for by legislative statutes that I believe would be specific and include those actions which would be included in the scope,

within the scope of the legislation. This is a piece of legislation which could result in a variety of actions, and some of those actions would not call for the expenditure of any funds by the municipality.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: If Senator Maltese would yield. Senator, would it be fair to say then that maybe the reservation on funding mandates is if it's a Maltese mandate that's all right, but if it's a mandate by somebody else that ain't all right. Would that be a fair expression?

SENATOR MALTESE: Mr. President. Since I do not have the final word but simply speak on behalf of the constituents in the 15th Senate District, I would like the set of circumstances enumerated by Senator Leichter to be the case, but, unfortunately, that's not so.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Leichter.

SENATOR LEICHTER: Mr. President. I think we all know what's being done here. I think it's unfortunate, and again it shows hypocrisy, double standard -- you know, home rule, boy, we run that flag up the flag pole and wave it, you know, when we think it's a good argument for position, but when we have a bill like this and we want to violate home rule and tell the cities of New York how they're going to manage their police departments, home rule is unimportant.

And we are going to fund mandates. It's terrible what this Legislature does in putting mandates on municipalities and not funding it. Now, I think it's pretty clear from the discussion that Senator Maltese and I had, and I think he conceded it, whether he wants to call it consequential or whatever, this is a mandate pure and simple.

And, in fact, it is a very expensive mandate. Moreover, it's an unconscionable interference by this legislative

body in the operation of the police departments.

And let me say, Senator Maltese, I think that the Police Commissioner of the city of New York is as concerned about the safety of the men and women as you are, as I am, and you are genuinely concerned, but I think he is, too. And I think when the police department makes a determination that in certain neighborhoods one-officer cars is sufficient that is a decision that I think legislatively we should not interfere with.

The police commissioner has many considerations. You talk about saving the lives of police officers. I don't know if you have any study or any statistics or anything which shows that, in fact, your bill is going to save any police officers' lives whatsoever. But I'll tell you one thing it certainly will do. It will place many, many thousands, hundreds of thousands of people, maybe millions of people at risk, because if your bill were to become law and if police officers were required that there

be two of them in every police car, that means there's going to be less police cars out there. There's going to be less police officers out on the streets, and I'm positive that it's going to lead to the loss of life, and it's going to lead possibly to -- not possibly but unquestionably will lead to an increase in crime.

This is just the wrong thing for us to be doing but particularly on July 4th. Mr. President, I hope very much this bill will be defeated. And as we called for a slow roll call last time, we will call for one again this time.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT FARLEY: Just a minute. I've got a list here. Did you want -

SENATOR LIBOUS: I was going to ask Senator Leichter if he would yield.

ACTING PRESIDENT FARLEY: Senator Libous.

SENATOR LIBOUS: Senator Leichter, would you yield for just one question?

SENATOR LEICHTER: Excuse me?

SENATOR LIBOUS: Would you yield for just one question?

SENATOR LEICHTER: Yes.

SENATOR LIBOUS: I'm curious, Senator. Have you ever voted for a mandate in this chamber before?

SENATOR LEICHTER: Certainly.

SENATOR LIBOUS: Thank you.

SENATOR LEICHTER: But, Senator Libous, I will tell you one thing I didn't do. I didn't vote for a bill to fund all mandates and then the next day vote to put an enormously expensive mandate on municipalities and when called to account say, "Well, you know, it's consequential," whatever that is. Senator, I hope that I have not been that contradictory in my action.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, would Senator Maltese yield to a couple of questions?

SENATOR MALTESE: Yes, Mr. President.

ACTING PRESIDENT FARLEY: Senator Maltese, would you yield?

SENATOR DOLLINGER: Just so I understand the amendments, Senator, you eliminated the provision of this bill for towns and villages?

SENATOR MALTESE: Mr. President, the answer is yes, in the affirmative.

SENATOR DOLLINGER: Could you explain -

ACTING PRESIDENT FARLEY: It's getting a little noisy here. I know that everybody wants to hear these questions, so let's keep your conversations down.

SENATOR DOLLINGER: Again, if you will yield. Mr. President.

Could you tell me what about towns and villages that makes this not good for towns and villages, but yet makes it good for all cities, including small cities in the state of New York?

SENATOR MALTESE: Mr. President. What was brought forward very forcibly at the time of the debate and thereafter was the fact that the non-cities, especially some of the towns and villages, number 1, had a great deal less crime but, number 2, and more importantly, had many situations where the amount of police officers or amount of patrol cars was less than three or four or five and, therefore, the provisions of this act would be too all encompassing when it would provide for this review and the subsequent appeal where you had very little personnel or police cars available to comply with the provisions of the act.

SENATOR DOLLINGER: But, again, through you, Mr. President. That may not be true with all towns. I represent one of the largest towns in New York State, has a very sizeable police force. That argument wouldn't hold true there, in the town of Greece, for example which has about 100 people on its police force?

SENATOR MALTESE: Mr. President.

Towns, of course, would, I assume, also include towns like the town of Hempstead with some 900,000 people, but this bill would be a start, a step in the right direction, and we could provide for the addition thereto of certain areas of large population in the future, if Senator Dollinger would care at that point to join me in co-sponsorship of such a bill.

SENATOR DOLLINGER: Mr. President. I will decline the co-sponsorship, but if Senator Maltese would yield to a couple more questions.

ACTING PRESIDENT FARLEY: Would you yield for a couple more questions?

SENATOR MALTESE: Yes.

SENATOR DOLLINGER: So in other words there's some big towns and some little tiny cities, and your bill is only going to apply to the cities and not to the big towns; is that correct?

SENATOR MALTESE: Mr. President, the answer is correct. The answer is yes.

SENATOR DOLLINGER: And the

problem may be just as extensive in the big towns, in fact more extensive, than it is in small cities, but you are simply going to require the small cities to comply with this?

SENATOR MALTESE: Mr. President, every journey begins with one step, so that's what this bill seeks to do.

SENATOR DOLLINGER: That's the other question, Mr. President, if again Senator Maltese will yield.

I understand, Senator, and I think you have talked in this chamber about the importance of home rule and local control, which are important ingredients in your political philosophy. Is that correct?

SENATOR MALTESE: Mr. President, the answer is yes.

SENATOR DOLLINGER: And you would like to see as many critical decisions made as close to the people as possible; isn't that also correct?

SENATOR MALTESE: Mr. President, in the ordinary circumstance, this would indeed

be correct. At the same time, there are situations where people make errors. There are situations where people proceed, as I indicated earlier in precipitous or ill-advised manner where fiscal considerations are concerned, and sometimes these self-same people, whether they have positions of public authority or trust or not, put the fiscal issues paramount to the life and safety of not only the police officers but the people within their constituencies.

SENATOR DOLLINGER: Again through you, Mr. President. Isn't it fair to say, Senator Maltese, that exactly the decision that you described, making decisions between expenditure of money and life and safety, that issue is best made by elected officials at the local level who can be replaced by elected voters in the annual course of their elections. Isn't that the right way to do it, Senator?

SENATOR MALTESE: Mr. President, in the ordinary course of circumstances, the answer is yes.

SENATOR DOLLINGER: Okay. So

that is the principle we should be working on, is that correct, in this bill?

SENATOR MALTESE: Mr. President. Whether it's correct with this bill or all bills is a matter that has to be determined on a basis of study and examination of the individual bill and the circumstances and surroundings of the situations which the bill seeks to address.

SENATOR DOLLINGER: Again through you.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Through you, Mr. President. Given that background, Senator, why would you have the Industrial Board of Appeals that sits in Albany, that has no experience making these decisions, why would you have them -- allow them to make a binding decision on a de novo basis which gives no weight at all, legally, to the decision of the local officials who are the closest to the people, who have management of the public fiscal -- who are the ones closest to the tax dollars,

who are the ones who are charged by the Constitution in this state? Why would you let the board of appeals to make that decision, a bunch of bureaucrats in Albany?

SENATOR MALTESE: Mr. President, the circumstances behind the thought processes in making this particular board the board of appeals was to have somebody concerned with safety, public safety, make a decision in a review manner, and this board was considered as good as some and better than most.

SENATOR DOLLINGER: Final question, Mr. President, then I would like to speak on the bill. When you use the term "de novo" in this bill, Senator, doesn't that mean that the local decision is given no weight at all, that the Industrial Board of Appeals reviews this like nobody had ever made a decision at all? Isn't that what you intend to do?

SENATOR MALTESE: Mr. President. That is not the case. The Industrial Board of Appeals would be compelled by -- the members of

that board by the obligations of their office to consider any and all circumstances, information, including any of the information brought before them by the parties concerned. And it would seem to me that both the municipalities and the representatives of the police officers would be derelict in their duties if they did not bring this information to the board.

SENATOR DOLLINGER: Mr. President. On the bill.

ACTING PRESIDENT FARLEY: On the bill. Senator Dollinger.

SENATOR DOLLINGER: Senator Maltese and I agree on one thing. It's the fundamental philosophy of this state that judgments about public safety in cities as well as villages and towns and how they spend their money and the relationship between how many police officers they have, whether they hire new officers, whether they dismiss officers, all of those decisions should be best made by local governments, by local city governments, city council members, a mayor, someone who is elected

by all the people in the city, by city councilmen. I look over there and see other city councilmen who served on the city council, Senator DeFrancisco who served in Syracuse, and elsewhere.

These decisions should be made by the people who have to account to their voters for where they are going to spend the money and how they are going to protect the public safety. The concept of home rule and local control of public safety is a vital component of this government.

This bill -- this bill drives that concept absolutely into the ground, because what it suggests is that in specific instances in which the city elects to reduce the number of officers and police vehicles, that decision is going to be reviewed de novo, that means with no weight at all attached to the local community. Forget that the city council voted nine to nothing to do it. Forget that the city council couldn't afford it.

This bill will transfer to a

group of bureaucrats in Albany with five members who have no experience in public health and safety, who have no accountability to the voters, who have no authority to raise taxes, it will pass to them the vital decision over the future of public safety in cities in this state.

It is unconscionable that we are taking that vital public safety power out of the hands of those who are accountable, out of the hands of the people who raise the taxes, out of the hands of the people who are elected to make these decisions, and passing it to a group of bureaucrats 220 miles away who have no accountability to no voters at all.

I would submit that this bill is like handing the financial key to the city to the Industrial Board of Appeals. There's nothing in the state Constitution and nothing in law that does or should give a nameless, faceless group of bureaucrats the power to decide public safety in the city of Rochester, in Buffalo, in Syracuse, in Binghamton, in

Amsterdam and Albany and all the other small cities that this bill will be affected by.

Recognize that you are giving an extremely important power over to a nameless, faceless group of bureaucrats. It doesn't belong there.

This bill ought to be defeated.

It is, as Senator Leichter said, pure and simple, an unfunded mandate that fundamentally destroys the concept of local control and home rule over vital matters of public safety. I will vote no.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President. Would Senator Maltese yield to a question?

SENATOR MALTESE: Yes, Mr. President.

ACTING PRESIDENT FARLEY: He will.

SENATOR WALDON: Thank you, Mr. President. Senator, thank you. Senator, would

this bill apply to the city of Albany?

SENATOR MALTESE: Yes, it would.

SENATOR WALDON: Let's assume that on this day, July 4, 1993, at about two minutes to 5:00 that all hell were to break loose on the reflecting pool, that every car assigned to patrol at this time on this tour, the 4:00 to 12:0, or if it's a special patrol unit, the 6:00 p.m. to 2:00 a.m., had to be -

Mr. President, I can't hear myself think.

ACTING PRESIDENT FARLEY: Your point is well taken.

Would you please hold the conversations down, or the sergeant-at-arms will ask you to leave the chamber.

SENATOR WALDON: The chief of police of the city of Albany, recognizing the riotous condition facing him because all hell broke loose out on the reflective pool, had to immediately make some decisions, and what he said to his captains, lieutenants and sergeants is, "Remove all two-man patrols, reduce them to

one-man patrols. Let's double the cars on the street at this time to confront and deal with the situation so that we may manage the safety and security of all the people in the city of Albany."

Would that require that this chief of police submit for consideration under the mandate? And I'm not talking about mandate, per se, as described by Senator Dollinger. I'm talking about the procedural mandates of your bill.

SENATOR MALTESE: Mr. President. No, because -- the reply is no because all of the cities have contractual obligations with the members of the police forces within their jurisdictions. If they, in the course of any emergency affecting public safety, make decisions, first of all, they would always be entitled to make those decisions. If subsequent to the making of those emergency decisions, there might be some determination between the parties that the rules or the terms of the contract were violated, that would be up to

whatever review procedure they had.

So in response to the question, if the emergency situation would arise, the field commanders, whatever their ranks, would have the duty and the obligation to proceed to correct the situation in whatever manner they deem fit.

SENATOR WALDON: May I continue, Mr. President?

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Did you continue to yield, Senator Maltese?

SENATOR MALTESE: Yes.

SENATOR WALDON: From what you just said, if I heard you correctly, you're saying that the field commanders are those who should make the decisions about the manner in which they utilize the personnel and the mechanized situations they have under their control, i.e., radio remote control cars and other vehicles, EMS vehicles and whatever. Is that what you're saying?

SENATOR MALTESE: Mr. President, the question was referring to an emergency situation. Every police department would have their own rules and regulations in effect as to the proper procedures to follow, and the field commanders in some cases would have the authority to act without concurrence or affirmance from their superior officers, but it would not affect long-term consequences of this statute.

SENATOR WALDON: May I ask another question?

ACTING PRESIDENT FARLEY: Senator Waldon, I'm sure that Senator Maltese will yield.

SENATOR MALTESE: Yes.

SENATOR WALDON: Senator, are you saying that what you are suggesting with this piece of proposed legislation would be in violation of the PBA's, in all of the cities concerned, contract with its respective city or it would not be in violation of that contractual relationship?

SENATOR MALTESE: Mr. President, I'm not familiar with all the terms and consequences of the contracts between the cities and their police forces. What I am saying is that this bill would seek to make a change that would have to be observed by the municipalities involved, and it would supersede or countermand any positions previously taken or contemplated by the municipality to reduce police officers in the cars, for instance, some of the actions that have recently been contemplated or taken in the city of New York with respect to sergeants and lieutenants and individual police officers.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Thank you, Mr. President. Senator Maltese, earlier, you said on the emergency conditions, if I heard you correctly, the field commanders have a right to do what they have to do. Just now you said that this contractual obligation, if I heard you correctly -- and correct me if I'm wrong -- is something that has been agreed upon between the

parties, the PBA, its representatives, and the City, but does not necessarily violate what you are talking about, the inference being that unless there is a long-range change of the assignment of personnel -- and the specific example you gave, lieutenants and their drivers, if I understand you correctly, and sergeants and their drivers, there is no conflict between what you are proposing and that. Is that correct?

SENATOR MALTESE: Mr. President, somewhere along the way I lost Senator Waldon. But the point that I was attempting to make is that we can not equate an emergency situation with a situation and a long-standing practice which would be initiated and followed through on by a municipality. What this is seeking to do is limit to some degree the freedom of action of a municipal official who might act in a precipitous manner rather than upon due deliberation.

SENATOR WALDON: I'm coning to a close, Mr. President. If I may ask just a few more questions.

ACTING PRESIDENT FARLEY: Will you yield to another few more questions?

SENATOR MALTESE: Yes.

SENATOR WALDON: Thank you, Mr. President. Senator Maltese, is included in what you have said earlier about the field commander your judgment that the best person to make decisions on police personnel and assignments is the field commander and/or his superior, ergo the chief of police and all subordinate personnel up to the line of execution, meaning the police officer on the street which would be sergeants, lieutenants, captains, majors, colonels, chief of police. Is that correct?

SENATOR MALTESE: Mr. President, similar to warfare in the field for an army in the field or a battalion or a regiment or any division of the army, it all depends. And the answer to that question is it all depends. Is a field commander who may be overly concerned with his actions in line with his possible retirement or actions as far as possible promotion always be superior to someone a little up further on

the line who would have more of an overview of someone perhaps even further up the line who would be an elected or appointed official. So, again, I guess the answer is, it all depends.

SENATOR WALDON: Yes. Mr. President. I was not startled by your response, Senator, but I found it rather amusing.

Let me just zero in on where I really want to go with all of this. The field commander is responsible to his appointing authority, which would be normally the chief of police because all ranks above captain are politically determined. The chief of police is a political appointee of the mayor.

So, ultimately, as I understand these operations, from the mayor to the chief of police down to the person who executes on the street is where the chain of command runs.

Is it your perception that if the chief of police fails and if the mayor fails in terms of taking care of business, the security of the streets of this city that we're now meeting in, Albany, that they should be

answerable to the voting public?

SENATOR MALTESE: Mr. President, I don't know whether they should be in all circumstances answerable to perhaps the whims of the voting public. But I think that in this particular case in the fulfillment of our responsibilities and obligations as elected officials, we are contemplating the passage of a statute which would affect their judgment and limit and circumscribe their judgment in a specific case.

So I guess, in response to the Senator, in some respects they would be subject to the elected officials.

SENATOR WALDON: Thank you very much, Senator Maltese.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: If I may speak briefly on the bill.

Senator Maltese, I have had many conversations with you. I never experienced as much of a convoluted response as you were able

to render today on the floor. I admire the fiction that sometimes we hear here in the chamber. It was done, I'm sure, because of your position on this issue.

Let me speak to my position.

I feel it's a mistake to take away the authority for assignment of personnel from the chief of police whatever the city. I feel it's a mistake to interfere with the relationship between the chief of police and his appointing authority, the mayor, when it comes to execution on the street level in terms of maintaining safety and security, whether it be in Albany, in New York City, whether it be in the town of Greece as described by Senator Dollinger. I think that is a mistake.

And normally I support the PBA on almost every issue and every concern. But on this one issue, simply because I think it's taking away the authority of the person responsible for the safety and security of the streets, especially in the city of New York, I will have to oppose this bill and vote in the

no.

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

Oh, Senator Gold, you're next.

SENATOR GOLD: I'll yield to Senator Oppenheimer and then you can come back to me.

ACTING PRESIDENT FARLEY: Senator Oppenheimer, Senator Gold yielded -- yields his place to you.

SENATOR OPPENHEIMER: I don't know if I'll yield back.

SENATOR GOLD: On the other hand.

SENATOR OPPENHEIMER: On the other hand. I will be very brief because a lot of the points I wanted to make have already been made.

If the Senator would yield for a question, please. Thank you.

ACTING PRESIDENT FARLEY: Would you yield to another question?

SENATOR OPPENHEIMER: Senator

Maltese, is this a one-house bill?

SENATOR MALTESE: Mr. President, in response to the question, I have been advised as near as I can ascertain that as of this morning there was no "same as". If we have an extended session, that before the end of the day there is a "same as". So I guess the answer is, at this point in time, your guess is as good as mine.

SENATOR OPPENHEIMER: If the Senator will yield again? I think you may have answered my question.

ACTING PRESIDENT FARLEY: Would you yield again?

SENATOR MALTESE: Yes.

SENATOR OPPENHEIMER: And that question is, do you believe that within the next 24 hours you will get an Assembly sponsor?

SENATOR MALTESE: Mr. President, the problem was not in the Assembly sponsor. The problem was in trying to ascertain whether the bill would end up being properly introduced and end up hitting the floor.

SENATOR OPPENHEIMER: Thank you, Senator.

On the bill. I just wanted to reiterate a couple of things. As most of you know in the chamber, I was a mayor and I felt very strongly about home rule and bills like this really call into question the competence of the local mayors, the local police chiefs, to concern themselves, the competence to be involved and care enough about their communities and the safety of their people. There is the electoral process to take care of those mayors and other elected officials who are not really caring about their communities and watching over them and paying serious attention to the needs of those communities.

I would point out that in involving cities, you involve small cities such as the city where my office is in the district which is Rye city, which has a population of 15,000 people. That city is smaller than the village where I was mayor, where we had a population of almost 20,000 people.

What happens in these small cities is very often we have our patrols on the street not in cars. We feel that street patrols are more valuable in controlling crime and offering the residents of the community a feeling of security than a car patrol. Therefore, it would probably be necessary to take some people off the street and put them into cars which we feel is counterproductive and doesn't serve the interests of the municipalities and the residents.

And the last point is that many of us who do come out of local government believe that home rule is an important philosophic standard in our state and something that the Legislature should not be involving itself in unless it's a matter which perhaps the Legislature has more authority, but it certainly isn't in this instance, and I would vote no on this bill.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Mr. President. I

heard the comments made by a number of people and I think it's just a language problem really. When the Republicans say they are not for unfunded mandates, the idea is that is a statement of policy that's supposed to be printed. Then it's printed and it's in the book. And when you read that in the paper, now that memorializes it. It's in the book. Then they can do whatever they want to.

They are not for taxes. Then they vote for $5 billion in taxes, because it's already been out there in a press release, you see, so it's in the book.

I think it was Jackie Mason. I can talk now because he is not a candidate any more. But he had this whole business on a former president. I won't mention Reagan by name. But he goes like, he says, "Mr. President, you knew." And Ronald Reagan says, "I didn't know." He says, "But you did know." He says, "Well," he says, "maybe I kn.... Yeah, maybe." And he says, "But you knew." And he says, "Well, maybe I knew a little." And it

goes on and on, and he admits he knew.

Senator Maltese, you are a bright man. You are a wonderful lawyer. Thankfully, you were assistant D.A. in my county. You kept us safe for a while. But any way you look at it, the memorandum from the Conference of Mayors has a big stamp. It says, "unfunded mandate". The memo from the city of New York says it's an unfunded mandate. You are either for unfunded mandates or you are against unfunded mandates. There is no such thing as being in the middle.

There was a bill the other day by Senator Velella which had some debate on this floor, and I supported that bill. This is just so different, so completely different. This really is taking over the various police departments.

And I must say I'm particularly impressed by the arguments made by some of my colleagues outside the city of New York, because it does have great effect there. I'm impressed by the comments of my colleague from Queens who does have police experience.

And this really is a terrible bill; and, whereas there have been worse, Senator Maltese, I will concede that.

There has been a request on this side for a slow roll call, and there will be a slow roll call. And I urge all my colleagues to support their localities on this issue and to vote against the bill.

ACTING PRESIDENT FARLEY: Read the last section. Slow roll call has been asked for. Ring the bell.

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

THE SECRETARY: Senator Babbush.

(There was no reply.)

Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Connor.

(There was no reply.)

Senator Cook.

(There was no reply.)

Senator Daly.

(There was no reply.)

Senator DeFrancisco.

(There was no reply.)

Senator Dollinger.

SENATOR DOLLINGER: To explain my vote, Mr. President.

ACTING PRESIDENT FARLEY: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: To para phrase the words of the immortal George M. Cohan, "This is a Yankee Doodle dud born on the 4th of July." I vote strongly in the negative.

ACTING PRESIDENT FARLEY: Senator Dollinger is in the negative.

Continue the roll call.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: (Indicating no.)

THE SECRETARY: No. Senator Farley.

SENATOR FARLEY: Yes.

THE SECRETARY: Senator Galiber.

SENATOR GALIBER: No.

THE SECRETARY: Senator Gold.

SENATOR GOLD: No.

THE SECRETARY: Senator Gonzalez.

(There was no reply.)

Senator Goodman.

(There was no reply.)

Senator Halperin.

SENATOR HALPERIN: No.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: (Indicating yes.)

THE SECRETARY: Aye. Senator Hoffmann.

SENATOR HOFFMANN: To explain my vote.

ACTING PRESIDENT FARLEY: Senator Hoffmann to explain her vote.

SENATOR HOFFMANN: I had not intended to speak on this bill. But after listening to some of the descriptive language, I pulled the bill out and read it rather than relying simply on the memorandum. And I am so shocked to see this language here, not just because it is an unfunded mandate because the

arrogance of this language makes all of us look bad in this chamber. The suggestion that somehow people in local governments do not take into consideration the safety of police officers is just absolutely one of the most insulting things I've heard, and there were many insulting things that have gone around the last couple of days, but this is truly a tremendous insult to the people who are elected to serve in the municipalities of New York State.

I served for a number of years on the Syracuse Common Council. During my three terms, I was a member of the public safety committee, and I was proud of the way that we would earnestly grapple with our budgetary problems, always prioritizing the public safety of the citizens and of the police and fire officers of that city above many, many other pressing concerns. And I don't believe that the people who are elected in the rest of the cities of this state care any less about the police officers who they support through their budgetary concerns.

So I will be very happy to vote no on this measure, but I'm very sad that here we are on the 4th of July sending yet another message to the taxpayers of this state that shows that we hold in contempt people elected to serve at the local levels of government.

ACTING PRESIDENT FARLEY: Senator Hoffmann in the negative, I think. Right?

SENATOR HOFFMANN: In the negative.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: Aye.

THE SECRETARY: Senator Johnson.

(There was no reply.)

Senator Jones.

SENATOR JONES: No.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: Aye.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: No.
THE SECRETARY: Senator Levy.
(There was no reply.)
Senator Libous.
SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Maltese.
SENATOR MALTESE: Aye.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: Aye.
THE SECRETARY: Senator Marino.
(Indicating "Aye.")
THE SECRETARY: Aye. Senator Markowitz.
SENATOR MARKOWITZ: No.
THE SECRETARY: Senator Masiello.
SENATOR MASIELLO: No.
THE SECRETARY: Senator Mega.
SENATOR MEGA: Yes.
THE SECRETARY: Senator Mendez.

Senator Mendez.

SENATOR MENDEZ: (Indicating no.)

THE SECRETARY: No. Senator Montgomery.

(There was no reply.)

Senator Nolan.

(There was no reply.)

Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Ohrenstein, no.

Senator Onorato.

(There was no reply.)

Senator Oppenheimer.

SENATOR OPPENHEIMER: No.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Pataki.

SENATOR PATAKI: Yes.

THE SECRETARY: Senator Paterson.

(There was no reply.)

Senator Present.

SENATOR PRESENT: Yes.

THE SECRETARY: Senator Saland.
(There was no reply.)
Senator Santiago.
(There was no reply.)
Senator Sears.
(There was no reply.)
Senator Seward.
(There was no reply.)
Senator Sheffer.
SENATOR SHEFFER: Yes.
THE SECRETARY: Senator Skelos.
(There was no reply.)
Senator Smith.
SENATOR SMITH: (Indicating no.)
THE SECRETARY: Senator Solomon.
SENATOR SOLOMON: No.
THE SECRETARY: Senator Spano.
(There was no reply.)
Senator Stachowski.
SENATOR STACHOWSKI: No.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.

THE SECRETARY: Senator Stavisky.

(There was no reply.)

Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.

SENATOR TULLY: Aye.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

THE SECRETARY: Senator Volker.

(There was no reply.)

Senator Waldon.

SENATOR WALDON: (Indicating no.)

THE SECRETARY: Senator Wright.

(There was no reply.)

ACTING PRESIDENT FARLEY: Absentees.

THE SECRETARY: Senator Connor.

(There was no reply.)

Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator Daly.

(There was no reply.)

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: (Indicating no.)

THE SECRETARY: No. Senator Goodman.

(There was no reply.)

Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Montgomery.

(There was no reply.)

Senator Nolan.

(There was no reply.)

Senator Onorato.

(There was no reply.)

Senator Paterson.

(There was no reply.)

Senator Saland.

SENATOR SALAND: Aye.
THE SECRETARY: Senator Santiago.
(There was no reply.)
Senator Sears.
(There was no reply.)
Senator Seward.
SENATOR SEWARD: Aye.
THE SECRETARY: Senator Skelos.
(There was no reply.)
Senator Spano.
SENATOR SPANO: Aye.
THE SECRETARY: Senator Stavisky.
(There was no reply.)
Senator Volker.
(There was no reply.)
Senator Wright.
SENATOR WRIGHT: Aye.
THE SECRETARY: Senator Sears.
SENATOR SEARS: Aye.
ACTING PRESIDENT FARLEY: Results.

THE SECRETARY: Ayes 31, nays 18.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR MEGA: Mr. President.

ACTING PRESIDENT FARLEY: Senator Tully. Oh. Senator Mega.

SENATOR MEGA: Thank you. Can we return to Calendar 1211, please, on page 25.

ACTING PRESIDENT FARLEY: 1211.

THE SECRETARY: Calendar Number 1211.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Why do you rise, Senator Leichter?

SENATOR LEICHTER: Mr. President, may I have unanimous consent, please, to be recorded in the negative -

ACTING PRESIDENT FARLEY: Hold on. Wait a minute. I can't hear what you're saying.

SENATOR LEICHTER: Mr. President, may I have unanimous consent to be

recorded in the negative on Calendar Numbers 1479 and 1505.

ACTING PRESIDENT FARLEY: Without objection.

THE SECRETARY: Calendar Number 1211, by member of the Assembly Mayersohn, Assembly Bill Number 6677B, Criminal Procedure Law.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR DOLLINGER: Can you just give me the calendar -

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: What is the Calendar Number we're on? Excuse me.

ACTING PRESIDENT FARLEY: 1211.

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays 1, Senator Galiber recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Take up calendar 339, please.

ACTING PRESIDENT FARLEY: 339, the Secretary will read.

THE SECRETARY: On page 6, Calendar Number 339, by Senator Sears, Senate Bill Number 3452B, with an Assembly Reprint Number of 30,000, Agriculture and Markets Law, in relation to manufacturer's information.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The

bill is passed.

SENATOR PRESENT: Regular order, please.

ACTING PRESIDENT FARLEY: Regular order.

THE SECRETARY: Calendar Number 1338, by Senator Hannon, Senate Bill Number 52 -

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1371, by member of the Assembly Lasher.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1431, by the Senate Committee on Rules, Senate Bill Number 6 -

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1452, by the Senate Committee on Rules, Senate Bill Number 6046, an act to amend the Tax Law.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1454, by the Committee on Rules.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that aside.

THE SECRETARY: Calendar Number 1478, by the Assembly Committee on Rules, Assembly Bill Number 8654, Retirement and Social Security Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for.

ACTING PRESIDENT FARLEY: Senator Padavan.

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT FARLEY: Senator Padavan, unfortunately, there's an awful lot of

conversations going on here. Could you kindly take your conversations outside the chamber.

Senator Padavan, you have the floor.

SENATOR PADAVAN: Mr. President, this bill will -

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yes. I just got a very important note from my counsel who tells me we don't need an explanation on this bill.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays 2, Senators Kuhl and Pataki recorded in the negative.

ACTING PRESIDENT FARLEY: That

bill is -- there's some more negatives. 1478.

THE SECRETARY: Also in the negative on Calendar Number 1478 are Senators Jones, Dollinger, and Stachowski.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1489, by Senator Holland, Senate Bill Number 3996, relating to solid waste treatment and disposal in Orange County.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Holland.

SENATOR LEICHTER: Senator Holland, I was concerned about the provision in this bill, which I mentioned to you, which seems to eliminate competitive bidding. I'm not sure I read it correctly, but I wonder if you could enlighten me on that.

SENATOR HOLLAND: Senator, all it does is require a flow for the solid waste. It

is not an authority as the one we talked about yesterday. This is simply a requirement that the municipalities give all their solid waste to the counties so the county will have enough waste to generate a cash flow or a profit.

SENATOR LEICHTER: And, Senator, it is for that purpose that the bidding process might be eliminated?

SENATOR HOLLAND: To my understanding, Senator, there would be no construction, so there would be no bidding required there. There would be bidding as to who handles some of it, and that is covered by the existing law, who handles the incoming refuse.

SENATOR LEICHTER: Okay. No objection.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT FARLEY: Oh, I didn't see you. I'm sorry. Senator

Oppenheimer.

SENATOR OPPENHEIMER: Oh....

ACTING PRESIDENT FARLEY: It's the lamp not your diminutive size.

SENATOR OPPENHEIMER: I'm not taller than the lamp, Mr. President?

My concern is, in the -- this flow control legislation, is there any intention to possibly construct incineration facilities in this? I would ask the sponsor, please.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: No, Senator, not to my knowledge. There has been absolutely no discussion about any construction, much less an incinerator.

SENATOR OPPENHEIMER: Okay. Excellent. And if the sponsor would yield one more time.

SENATOR HOLLAND: Yes.

SENATOR OPPENHEIMER: Senator Holland, do you know if there is any intention to move in the direction of a MRF facility which

would sort the recyclables?

SENATOR HOLLAND: Not to my knowledge, Senator, at all.

SENATOR OPPENHEIMER: Okay. Thank you very much. I will be supporting this.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1493, by the Assembly Committee on Rules, Assembly Bill Number 8591, an act to amend the Insurance Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR HOFFMANN: Mr. President.

ACTING PRESIDENT FARLEY: Senator Hoffmann to explain her vote.

SENATOR HOFFMANN: No. I would request unanimous consent to be recorded on 1478 in the negative, if I am not already recorded that way. I believe I was, but I may have been a late entry.

ACTING PRESIDENT FARLEY: The desk will check.

SENATOR HOFFMANN: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: You were not recorded in the negative. You were.

SENATOR HOFFMANN: I was recorded correctly.

ACTING PRESIDENT FARLEY: You

were and you are.

THE SECRETARY: Calendar Number 1507, by Senator Johnson, Senate Bill Number 6079, Environmental Conservation Law.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Johnson.

SENATOR JOHNSON: Mr. President, this is a chapter amendment to the environmental trust bill we did a few days ago. This provides that several additional properties in the Adirondacks may be purchased and the appropriations increased so that our objective can be realized in regard to the Heurich estate and as far as the Whitney estate, which is also added, this requires the Commissioner to negotiate for the state purchase of this parcel. And we'll get it done in a timely fashion so that we may put the budgetary appropriation in for the fiscal year 1994-95.

SENATOR LEICHTER: Mr.

President.

ACTING PRESIDENT FARLEY: Senator Leichter.

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

ACTING PRESIDENT FARLEY: On the bill.

SENATOR LEICHTER: This is the amendment to -

Mr. President. This is -- as I think Senator Johnson made clear, it's a chapter amendment to a one-house bill. But the point that this bill makes and one that we made in our debate the other day, the bill being -- it's the environmental trust fund. You may remember that we objected to the fact that there was a limitation on the acquisition of two sites in the Adirondacks. Now, at least one other site is being added, a beautiful site on Lake Champlain. That's exactly the point, that we should not limit by statute what can be acquired in the Adirondacks and every time another site becomes available, you have to pass

legislation. This exactly makes the point.

And let me just say to you, Senator Stafford, I was up at Wadhams last night, a place that you know and love. It's in the Adirondacks. As I was driving back and recalled how beautiful the Adirondacks was, every time I'm there -- and I'm there maybe thirty times a year. Maybe not quite that many. I wish I were. I'm always struck by the beauty of the Adirondacks, and there are wonderful sites that we need to preserve, and it does so much harm to the Adirondacks not only to preserving the beauty but to the economic well-being of the people in the Adirondacks if we allow sites like the Heurich estate, that I know you're very much concerned about, to fall into private hands to be developed in a way that is inconsistent with the beauty and with the interest that the residents and the visitors have. And we can't conceivably every time we find there's a site available try to pass a bill, go to Senator Stafford, say, "Please, Senator Stafford, can we save that site?"

It just shows that we were right when we argued two or three days ago, whatever it was, that that limitation in the Johnson environmental trust fund was a mistake.

SENATOR GOLD: Will Senator Leichter yield to a question?

ACTING PRESIDENT FARLEY: Senator Leichter, would you yield to a question from Senator Gold?

SENATOR LEICHTER: Yes.

SENATOR GOLD: Senator Leichter, you are getting me a little bit annoyed. It's July 4th, and we're here away from our families, and I know the way I feel about one-house bills. You're telling me this is the son of a one-house bill?

SENATOR LEICHTER: It's the son of a something of a one-house bill.

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Sometimes our humor blossoms as the hours mount.

I'm happy to see that the

substance of the -- part of the substance of the amendment that I made a few days ago is incorporated in that the two properties, the Whitney and the Heurich properties, on Lake - the one on Lake Champlain -- have been added.

But I think I just want to reiterate very briefly what Senator Leichter said, that just by adding these two properties indicates that there's no way we can know for the future what other valuable properties will present themselves; and, therefore, to limit ourselves in this one area, unlike any other area of the state, really does not seem to be in the best interests of either the Adirondacks or of us.

And, of course, this is still not a negotiated bill, so we will have to wait and see what comes out from both houses.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I didn't think this was the son of a bill. I thought this was the mother of all one

house bills.

I have one quick question of Senator Johnson, if I may, Mr. President, if he'd yield.

ACTING PRESIDENT FARLEY: Senator Johnson, would you yield to a question from Senator Dollinger?

SENATOR JOHNSON: Yes, Mr. President.

SENATOR DOLLINGER: Senator, in making the technical corrections, did we have a source of revenue for money to buy these two parcels of property, or is this the same environmental trust fund that didn't have a source of funds attached to it that we debated a couple days ago?

SENATOR JOHNSON: Senator, anything the Governor wants to do has a source of funds. Anything he doesn't want to do doesn't have a source of funds. Very curious circumstance, but that's the way it is, Senator.

SENATOR DOLLINGER: Okay. Mr.

President, on the bill.

When I spoke and voted against this bill whenever it was, two or three days ago, not because it was a one-house bill, but because it was a bill that was a shopping list without any money. It's like giving your son or -- as I think I used that time, give them a car but don't give them gas to run the car, don't give them the keys to run the car.

What now we're engaged in is creating a shopping list of things that we should buy in the Adirondack area but we're not giving any money to be able to afford it. So we write out this little shopping list, and now we've got a couple add-ons, and I'm sure there are other things that people would like to buy in the park or outside the park, but we're not really giving any money to make the thing actually work.

Senator Johnson's comment about the Governor's ability to find it, he may have the ability to find funds, but certainly the approach of this house is: We want you to do

all the shopping, but we don't want to tax anybody to have to find the money to allow you to pay for it.

So I think that is hypocrisy that I talked about in the first bill. This is the son of a one-house bill, and it doesn't deserve to go any further.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1507 are Senators Espada, Gold, Leichter, Markowitz, Mendez, Montgomery, Ohrenstein, Oppenheimer, Smith, Solomon, also Senator Dollinger, also Senator Connor recorded in the negative. Ayes 44, nays 12.

ACTING PRESIDENT FARLEY: Bill is passed.

Senator Present.

SENATOR PRESENT: Would you recognize Senator Volker, please.

ACTING PRESIDENT FARLEY: Senator Volker.

SENATOR VOLKER: Mr. President, could I be recorded -- on page 25, Calendar Number 1260, Rules 1260, would the record reflect that had I been here I would have voted in the affirmative.

ACTING PRESIDENT FARLEY: The record will show that had you been here you would have voted in the affirmative.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Can we call up Calendar 1431.

ACTING PRESIDENT FARLEY: 1431, the Secretary will read.

THE SECRETARY: Calendar Number 1431, by the Senate Committee on Rules, Senate Bill Number 6049, amends Chapter 814 of the Laws

of 1987.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This -

SENATOR OPPENHEIMER: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Who has that bill?

Senator Stafford.

SENATOR STAFFORD: Mr. President, I would first point out to my colleagues when I went to my first meeting with our outside accountants, I was wondering do we really need this? Is this something we just pass to satisfy this one or that one or this group or that group?

Since I have been at the meetings and listened, I think it is very useful. What this really does, it makes sure that we have internal controls so that we will not have problems. This bill does nothing more than continue the program that we have had for the

past five years.

ACTING PRESIDENT FARLEY: Senator Jones.

SENATOR JONES: Mr. President, I believe there is an amendment up there. I would like it to be called up and waive its reading, please.

ACTING PRESIDENT FARLEY: Yes, there is, Senator Jones.

SENATOR JONES: I agree with what Senator Stafford just said. We certainly do need internal controls; however, I'm offering an amendment today. I couldn't let the year go by without giving us one more opportunity to do what I think we should have done long ago.

Apparently, I'm told, that in 1987 is when this started, and what we're doing now, which is certainly a good thing -- I notice all my furniture has a little tag so we know it belongs to the Senate, and I know there are time cards so we know what hours people are working, all of which seem like good things.

But then I think to myself, well,

how much is in my office. I know my two computers, but I don't have an idea personally of how much, for instance, equipment, what the cost of it is, in my own office. And, clearly, the public doesn't know any of these things.

So the Comptroller -- the internal audit is certainly good, as far as it goes. However, in the other agencies within the state government, the Comptroller obtains monthly reports, very detailed. And if I want to look, for instance at Corrections, I don't have to get one big lump sum. I can look at it by prison.

If I want to look at for SUNY, it doesn't tell me one giant amount for electricity, for instance, for the whole SUNY campuses. I can see which one is Brockport, which one is Geneseo, et cetera.

8,250 pages are what the other agencies turn out. Senate in that same period of time turns out six pages. So in these micro fils that I'm holding up, I'm told that the Senate report would be equivalent to a dot on

these microfilms.

What I'm saying to you today is I'm asking that -- I agree that this internal audit should continue, and I think it should be made permanent, not just keep extending it.

My amendment calls for it to be made permanent, and let's add to that that we do a different kind of audit. A financial report could be completed for each house here in the Legislature with the current staff at no additional cost, and that an independent audit could be competitively bid and the cost should probably be roughly between 50,000 and 100,000.

I'm positive nobody is going to ask me where I would get that money in view of all the millions that we've been spending lately that we also don't have. So this is a fairly small amount.

And just as a suggestion, last year, you budgeted payment 3.5 million for mailing, and postal purchases I believe was around 6. So there must have been an extra 3 million in there. Certainly we can use a

portion of that to do what I think is the right thing.

I think if we really want to maintain fiscal responsibility and to keep the public apprised of the expenses of each house, an annual financial report has to be prepared, and it should be individually itemized, as I've said before, specific amounts for every expenditure.

I also still have here from the house -- this is a quarter here. Again, we're down to the $1.42. It's very easy to look up every single member here, find out what every one of their staff is paid during that period of time, every other -- subscription to magazines, you name it, it is all here for the public to look at.

Now, I'm assuming the reason for that is it's tax money that paid for all the things in this book. Well, I'm here to say to you today that I'm also of the opinion that tax money has paid for all the things I see here and all the things that we're using as a legislator,

including your computers and your staff, your mailings. And I do not see how we can continue to go on with this, hiding this information from the public.

So I'm asking you to accept this amendment. You have one last chance this year to do what I consider the right thing.

(Whereupon, Senator Seward was in the chair.)

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT SEWARD: Senator Leichter.

SENATOR LEICHTER: Mr. President. I finally found something that it's appropriate to do on July 4th, because as we know, July 4th was Independence Day, really one of the great milestones in the evolution of democracy.

And wouldn't it be wonderful if we gave at least some sense of justification of our being here by passing Senator Jones' amendment. And I really want to commend her because it is so appropriate and so correct and

so needed that there be an independent, open, full audit of this Legislature.

It is appalling that the only branch of government that isn't subject to the sort of openness and scrutiny which all government should be is the Legislature.

Now, what is the reason for this? Are we hiding some things? Well, some of us suspect that there are a few things being hidden. Maybe some people will say, "Well, the amount we spend is so de minimus." I don't know, it's $168 million. Even in the days of inflation, that's a lot of money.

Maybe somebody will say, well, our performance is so perfect that, you know, there is no need to audit us. And once you stop laughing, I don't think you have to go any further in answering that one. I mean, obviously, we ought to be subject to the same rules that we want to subject every government to, and I just can't understand the Majority in this house and to some extent the Majority in the other house, although I think they are

somewhat more open than the Republicans are in this house, saying, "No, you can't audit us," or "Freedom of Information laws don't apply to us," or "Open meeting laws don't apply to us."

What is there about the Legislature? Why are we so sacrosanct? Are we like the crown? Are we like King George III, our actions should not be questioned, our actions should not be looked at? What is it?

How can we with a straight face say to people, one is, they have no right to know how we spend their money when it is spent by the Legislature, and that people cannot have our actions, our financial affairs audited?

And what Senator Jones says is, Listen, what's sauce for the goose is sauce for the gander. What's good for the executive is good for the Legislature. And certainly all of us, the public at large but all of us in the Legislature, would benefit and again for knowing how money is being spent, how we do things.

Maybe we could find some ways to save money. I often hear, particularly my

friends on the other side of the aisle, when they're not voting for sponsoring bills that require more expenditures, saying how we got to cut government expenditure. Well, maybe we find some ways to cut our expenditures here in the Legislature, but we need to know how those expenditures are being made.

So all that Senator Jones says is have a full, complete, open audit. And, again, as I said before, my dear friends and colleagues, let's do it on July 4. Let this be a declaration of integrity and fiscal responsibility for the Legislature.

ACTING PRESIDENT SEWARD: On the amendment. All those in favor, say aye.

(Response of "Aye.")

SENATOR GOLD: Mr. President. Party vote in favor of this amendment sponsored by our very distinguished colleague from Monroe County.

SENATOR PRESENT: Party vote in the negative.

(The Secretary called the roll on

the amendment.)

THE SECRETARY: Ayes 23, nays 34, party vote.

ACTING PRESIDENT SEWARD: The amendment is defeated.

SENATOR KUHL: Last section.

ACTING PRESIDENT SEWARD: Read the last section.

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

ACTING PRESIDENT SEWARD: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SEWARD: The bill is passed.

SENATOR KUHL: Regular order.

THE SECRETARY: Calendar Number 1523, by Senator Johnson, Senate Bill Number 5976, an act to amend the Environmental Conservation Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT SEWARD:

Explanation has been called for.

SENATOR JOHNSON: Mr. President.

ACTING PRESIDENT SEWARD: Senator Johnson.

SENATOR JOHNSON: The population of winter flounder is in a state of collapse up and down the East Coast. There is a fisheries management plan been developed by the Atlantic States Marine Fisheries Commission to deal with this; calls for a reduction of 30 percent in fishing effort.

We know that the stock is in a state of collapse because in our state it's gone from a high some seven or eight years of ten million pounds caught a year to approximately one and a half million pounds in the most recent season, '92 season.

Emergency measures are required. Many things have been considered.

What this bill calls for is a closed season from November 1 to March 21, both recreational and commercial fisheries, and a career limit of five flounder per day per

recreational fisherman.

This also provides that if these measures do not succeed in reducing the fish take substantially so that there will be a sufficient breeding stock for the fishery to recoup in numbers, then the department will be permitted to put other rules and regulations into effect to achieve that result.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SEWARD: Senator Gold.

SENATOR GOLD: There are two memorandums on this bill that I have. One is by the department which supports the bill. The other from the New York State AFL-CIO which says that they represent commercial, quote, "fisher folk", end quote, and they are in opposition to the bill.

Last section.

ACTING PRESIDENT SEWARD: Read the last section.

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

SENATOR LAVALLE: Mr. President.

ACTING PRESIDENT SEWARD: Senator LaValle.

SENATOR LAVALLE: Mr. President. I rise to explain my vote.

ACTING PRESIDENT SEWARD: Senator LaValle to explain his vote.

SENATOR LAVALLE: Mr. President, I think my remarks can be put in the category of good news-bad news.

The good news is that Senator Johnson and I agree somewhat that the resource here has been declining.

The bad news, and the reason why I rise to vote against this legislation, is that as you have gathered from our many debates and the many bills that have been before us, whether it be striped bass or wheat fish or, today, flounder, that the commercial fishermen have been placed in a situation that they cannot fish for any of the resources that are available to them because we keep regulating that they cannot go out at certain times of the year.

Here we have a fish that would be a winter fish for them to fish during a low time of the year, and yet they are being deprived from going out and making a living.

If Senator Johnson -- and I agree with him that the resource is in trouble. If we keep limiting when people can go out and fish, we have to give them some sort of support so that we do not drive out of business our commercial fishermen.

So, Mr. President, I rise in the negative on this legislation.

ACTING PRESIDENT SEWARD: Senator LaValle in the negative.

(The Secretary called the roll.)

THE SECRETARY: Ayes 35, nays 2. Senators LaValle and Waldon recorded in the negative.

ACTING PRESIDENT SEWARD: The bill is passed.

THE SECRETARY: Calendar Number 1526, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8736,

Environmental Conservation Law.

SENATOR SOLOMON: Mr. President.

ACTING PRESIDENT SEWARD: Senator Solomon.

SENATOR SOLOMON: I'd just like to explain my vote unless someone asks for an explanation.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT SEWARD: Explanation has been called for, Senator Marchi.

SENATOR MARCHI: Mr. President, this act provides that a solid waste facility in a city of a million or more, in this case New York City, owned -- not owned or operated by a municipality shall have a valid license before they can begin operation of a facility, so that if it's -- it's a non-municipally -- an operation not operated by a municipality, before they can begin, they shall have -- they shall be compelled to produce an approval by the Department of Environmental Conservation. If they are operating without a permit -- permit,

they shall have until January 1st of 1995 to submit a complete application for such a permit.

On the other hand, if they own - if they own the facility, they shall require it if they're not operating but, however, if they are in operation they shall of 90 -- they shall have 30 months total from January 1st, 1994 forward.

This bill has the -- had originally been in issue with the city of New York. However, they have, with the amendment, they have agreed to its provision.

ACTING PRESIDENT SEWARD: Senator Leichter.

SENATOR LEICHTER: Senator Marchi, I think you've answered the question I have. I know there was a similar bill, I believe it was a Marchi-Connelly bill.

SENATOR MARCHI: Yes. That's still on the calendar, but I'm going to star that, but this one takes its place.

SENATOR LEICHTER: This one is

acceptable to the City.

SENATOR MARCHI: But I believe Senator Solomon has a statement.

SENATOR SOLOMON: Senator, all I have is one question.

ACTING PRESIDENT SEWARD: Senator, would you yield?

SENATOR SOLOMON: Senator, if a -- I'm reading this again. If the facility is owned by the City and had been in operation and then was closed by the city of New York under this legislation, would it require a permit before it could reopen or would they have that 30-month grace period?

SENATOR MARCHI: If they're in operation now?

SENATOR SOLOMON: No, they have now closed, but it's owned by the city of New York, and it had been in operation, in order to reopen, they did not have the permit.

SENATOR MARCHI: They would have to have a permit to open.

SENATOR SOLOMON: O.K. Thank

you. I'd like to make -- explain my vote.

I think this is very -- this is very good legislation, Senator Marchi, but I'd like to relay a story about the Brooklyn Southwest Incinerator.

For ten years, the city of New York operated that without a permit. For ten years, DEC did not move to close that facility down. In fact, a consent order signed by DEC with the City was literally a joke because the City signed consent orders for expiration dates that already expired prior to -- literally had expired prior to the date of the signing of the consent order, so they were in violation on the day the consent orders were re-signed.

The problem with this legislation is that we are allowing DEC to enforce the law against the municipality which it has not done in the past. I only hope that you come back with legislation next year, and I warn you that if you want this to be effective you're going to have to come back with legislation where there are substantial penalties and we have to move in

some other way to get those penalties enforced because the past has been that DEC has allowed the city of New York to operate, no matter what they do with the facility. That's why I'm going to vote -

ACTING PRESIDENT SEWARD: Senator Marchi.

SENATOR MARCHI: By way of explaining my vote.

ACTING PRESIDENT SEWARD: Senator Marchi to explain his vote.

SENATOR MARCHI: I'm glad this was shared with me by Senator Solomon, and I believe that we should monitor very carefully and take the action that you indicated in the event that there are frustrations along the way. I don't expect them, Senator, but -

ACTING PRESIDENT SEWARD: Senator Oppenheimer.

SENATOR OPPENHEIMER: If Senator Marchi would just yield for one question. There is concern that -- that many of the unpermitted transfer stations are simply going to close down

and then move elsewhere and -- and illegally operate somewhere else in the City, and I think the City and the DEC both -- both think this would be an enforcement nightmare.

What would prevent that from occurring?

SENATOR MARCHI: I assume -

ACTING PRESIDENT SEWARD: I assume they're withdrawing the roll call. I assume that we've withdrawn the roll call or - Senator Marchi, we had not had the reading of the last section.

SENATOR MARCHI: Oh, all right. Again, your question is that if this -- you're concerned about the transfer stations being moved, but they have time until -- until January 1st, 1995.

SENATOR OPPENHEIMER: Then the concern that I have heard from the City and DEC is that, if we force these stations to close down, they will simply move to another spot and start operating illegally.

SENATOR MARCHI: Well, the

alternatives, Senator, are unacceptable. It does -- at some point we just have to -- we just have to face that issue and -

SENATOR OPPENHEIMER: Thank you, Senator. It's a good bill. It's just perceived as potentially an enforcement nightmare.

SENATOR MARCHI: Yeah. I feel that the amendment was addressed. We -- you're expressing a concern with a prior bill which is still on the calendar and which I'm going to star. But it has been addressed by the amendment, and I -- there is no disagreement at this point except for the issue that was raised by Senator Solomon, and that will depend on unfolding events.

SENATOR OPPENHEIMER: Thank you.

ACTING PRESIDENT SEWARD: Read the last section.

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

ACTING PRESIDENT SEWARD: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SEWARD: The bill is passed.

SENATOR PRESENT: Do your housekeeping.

ACTING PRESIDENT FARLEY: Housekeeping. Any motions on the floor? We have some substitutions.

THE SECRETARY: On page 5 of today's calendar, Senator Sears moves to discharge the Committee on Rules from Assembly Bill Number 5905-B and substitute it for the identical Third Reading 107.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: On page 12, Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 3999-B and substitute it for the identical Calendar Number 692.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: On page 19,

Senator Holland moves to discharge the Committee on Rules from Assembly Bill Number 1994-A and substitute it for the identical Third Reading 905.

ACTING PRESIDENT FARLEY: Substitution ordered.

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Seward.

SENATOR SEWARD: I offer the following amendment to Calendar Number 1529 on Supplemental Calendar 1, Assembly -- or Senate Print Number 720-B and ask that the bill retain its place on the Third Reading Calendar.

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

Senator Marchi.

SENATOR MARCHI: This is in reference to the bill that we were discussing before. Calendar Number 1158 on page 24, I'm placing a sponsor's star on that.

ACTING PRESIDENT FARLEY: 1158 is

starred at the request of the sponsor.

Senator Galiber.

SENATOR GALIBER: Mr. President, may I have unanimous consent to be recorded in the negative on 1507?

ACTING PRESIDENT FARLEY: 1507, Senator Galiber will be in the negative.

SENATOR GALIBER: Thank you, sir.

ACTING PRESIDENT FARLEY: Are there any other motions or suggestions from the floor?

Senator Present, you had one.

SENATOR PRESENT: Mr. President, I'd ask that we stand at ease for a few moments.

ACTING PRESIDENT FARLEY: The Senate will stand at east for a few moments.

(The Senate stood at ease from 6:08 p.m., to 6:25 p.m.)

ACTING PRESIDENT FARLEY: Senator Sears.

SENATOR SEARS: Page 35, Calendar Number 1507, Print Number 6079, I'd like to be

recorded in the negative on that bill.

ACTING PRESIDENT FARLEY: 1509, Senator Sears?

SENATOR SEARS: No, it's Calendar Number 1506. I'm sorry, hold it, hold it. 1507.

ACTING PRESIDENT FARLEY: Without objection.

Senator Goodman, then Senator Cook.

SENATOR GOODMAN: Mr. President, for the record, if I'd been in the chamber yesterday at the time that Calendar 1262, print 5700, was called, I would have voted in the negative, and may I ask unanimous consent to be recorded in the negative on today's Calendar 1260, Senate Print 5853-A.

ACTING PRESIDENT FARLEY: All right.

SENATOR GOODMAN: Had I been in the chamber, I would have voted in the negative on both of those.

ACTING PRESIDENT FARLEY: Had you

been in the chamber, the record will so state.

Senator Cook.

SENATOR COOK: Will you please record me in the negative on Calendar Number 1507, and I move that the following bill be discharged from its committee and be recommitted with instructions to strike the enacting clause: Senate Print Number 5171.

ACTING PRESIDENT FARLEY: 5171, without objection.

(The Senate stood at ease from 6:26 p.m., to 6:31 p.m.)

ACTING PRESIDENT FARLEY: Senate will come to order. Senator Present.

SENATOR PRESENT: Do you have any substitutions at the desk?

ACTING PRESIDENT FARLEY: We do.

SENATOR PRESENT: Let's take care of the substitutions.

ACTING PRESIDENT FARLEY: Secretary will read the substitutions from the Assembly.

THE SECRETARY: On Supplemental

Calendar Number 1, Senator Goodman moves to discharge the Committee on Rules from Assembly Number 6708-A and substitute it for the identical Third Reading 1533.

Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 6319-A and substitute it for the identical Third Reading 1536.

Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 7929-B and substitute it for the identical Third Reading 1541.

Senator Connor moves to discharge the Committee on Rules from Assembly Bill Number 7898-A and substitute it for the identical Calendar Number 1544.

Senator Skelos moves to discharge the Committee on Rules from Assembly Bill Number 8448-A and substitute it for the identical Third Reading 1549.

Senator Pataki moves to discharge the Committee on Rules from Assembly Bill Number 8685 and substitute it for the identical Third

Reading 1563.

ACTING PRESIDENT FARLEY: All those substitutions are ordered.

What's your pleasure, Senator Present?

SENATOR PRESENT: Let's take up the non-controversial calendar on Supplemental Calendar.

ACTING PRESIDENT FARLEY: On the Supplemental Calendar Number 1 dated Sunday, July 4th, non-controversial.

SENATOR PRESENT: 102 on the other calendar.

ACTING PRESIDENT FARLEY: Let's go to 102 on the regular calendar first. We have a message, Senator Present.

THE SECRETARY: On page 4 of the regular calendar, of the regular calendar, on page 4, Calendar Number 102, by Senator Bruno, Senate Bill Number 2354-C, an act to amend the Economic Development Law and the State Finance Law.

ACTING PRESIDENT FARLEY: Senator

Present.

SENATOR PRESENT: Mr. President, I understand that there's a message of necessity at the desk. I move we accept the message.

ACTING PRESIDENT FARLEY: All in favor of accepting the message, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The message is accepted. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT FARLEY: The bill is passed.

ACTING PRESIDENT FARLEY: Now, we go to Supplemental Calendar Number 1.

THE SECRETARY: Supplemental Calendar Number 1, Calendar Number 1530, Senator

Jones moves to discharge the Committee on Rules from Assembly Bill Number 2407-B and substitute it for the identical Third Reading 1530.

ACTING PRESIDENT FARLEY: Substitution is ordered. Senator Jones - Senator Jones has a home rule message here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1531, Senator LaValle moves to discharge the Committee on Rules from Assembly Bill Number 2590, and substitute it for the identical Calendar Number 1531.

ACTING PRESIDENT FARLEY: Substitution ordered. Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1532, Senator Larkin moves to discharge the Committee on Rules from Assembly Bill Number 7888-A and substitute it for the identical Third Reading 1532.

ACTING PRESIDENT FARLEY: Substitution ordered. Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

1534, Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 6321 and substitute it for the identical Third Reading 1534.

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

THE SECRETARY: Section 2 -

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Withdraw the roll call. Lay it aside.

THE SECRETARY: Calendar Number 1535, by Senator Stafford, Senate Bill Number 4189, to repeal subparagraph (e) of paragraph 2.

ACTING PRESIDENT FARLEY: This is not a sub. Read the last section.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number

1537, Senator Stafford moves to discharge the Committee on Rules from Assembly Bill 6 -

SENATOR STACHOWSKI: Lay aside.

ACTING PRESIDENT FARLEY: Let's substitute it first.

THE SECRETARY: Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 6325 and substitute it for the identical Third Reading 1537.

ACTING PRESIDENT FARLEY: Substitution is ordered. Now, lay the bill aside.

THE SECRETARY: Calendar Number 1538, Senator Goodman moves to discharge the Committee on Rules from Assembly Bill Number 4740-a and substitute it for the identical Calendar Number 1538.

ACTING PRESIDENT FARLEY: Substitution ordered. You can read the last section.

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

SENATOR STACHOWSKI: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1539, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 3757-A, and substitute it for the identical Third Reading 1539.

ACTING PRESIDENT FARLEY: Substitution is ordered. Lay the bill aside.

THE SECRETARY: Calendar Number 1540, Senator Saland moves to discharge the Committee on Rules from Assembly Bill Number 7660.

SENATOR STACHOWSKI: Lay aside.

THE SECRETARY: And substitute it for the identical Third Reading 1540.

ACTING PRESIDENT FARLEY: Substitution is ordered, but lay the bill aside.

THE SECRETARY: Calendar Number 1542, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 8074 and substitute if for the identical

Calendar Number 1542.

ACTING PRESIDENT FARLEY: Substitution is ordered. There's a home rule message here at the desk. You can read the last section.

THE SECRETARY: Section 2. This act -

SENATOR LEICHTER: Lay aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1543.

ACTING PRESIDENT FARLEY: That's high, isn't it? Laid aside.

THE SECRETARY: Calendar Number 1546.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

Can we sub it first and then we'll lay it aside.

THE SECRETARY: Senator Hannon moves to discharge the Committee on Rules from

Assembly Bill Number 8404 and substitute it for the identical Third Reading 1546.

ACTING PRESIDENT FARLEY: Substitution is ordered. Lay the bill aside.

THE SECRETARY: Calendar Number 1547, Senator Seward moves to discharge the Committee on Rules from Assembly Bill Number 8546-A and substitute it for the identical Third Reading 1547.

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

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1548, Senator LaValle moves to discharge the Committee on Rules from Assembly Bill Number

8665, and substitute it for the identical Third Reading 1548.

ACTING PRESIDENT FARLEY: Substitution is ordered. Read -

SENATOR PRESENT: Lay aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1550, by Senator Mega, Senate Bill Number 6066, creating a Temporary State Commission on Brooklyn Recreational Facilities.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1554, Senator Marino moves to discharge the

Committee on Rules from Assembly Bill Number 7898-A and substitute it for the identical Calendar Number 1544.

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

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR LEICHTER: Lay that aside, please.

ACTING PRESIDENT FARLEY: Withdraw the roll call, lay it aside.

THE SECRETARY: Calendar Number 1555, by Senator Pataki, Senate Bill Number 6087, Religious Corporations Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1556, Senator LaValle moves to discharge the Committee on Rules from Assembly Bill Number 1097-B and substitute it for the identical Third Reading 1556.

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

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1557, by Senator Tully, Senate Bill Number 6102,

an act to amend the Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1558, by Senator DeFrancisco, Senate Bill Number 6110, an act to amend a chapter of the laws of 1993.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1559, by the Senate Committee on Rules, Senate Bill Number 6111, an act to amend Chapter 348 of the Laws of 1989.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR LEICHTER: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1560, by the Senate Committee on Rules, Senate Bill Number 6113, an act to amend the Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2.

SENATOR LEICHTER: Lay aside.

ACTING PRESIDENT FARLEY: Lay it aside.

That's it for non-controversial, Senator Kuhl.

SENATOR STAVISKY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Stavisky.

SENATOR STAVISKY: May I be recorded in the negative on Calendar Number 1507?

ACTING PRESIDENT FARLEY: 1507, without objection.

SENATOR STAVISKY: Thank you.

SENATOR KUHL: Mr. President.

ACTING PRESIDENT FARLEY: Senator Kuhl.

SENATOR KUHL: Want to start the controversial Supplemental 1.

ACTING PRESIDENT FARLEY: Controversial, Supplemental Calendar Number 1.

THE SECRETARY: Calendar Number 1534, substituted earlier today, by member of the Assembly Crowley, Assembly Bill Number 6321, Racing, Pari-Mutuel Wagering and Breeding Law.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for.

Senator Stafford.

SENATOR STAFFORD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Lay the bill aside.

THE SECRETARY: Calendar Number 1535, by Senator Stafford, Senate Bill Number 4189.

SENATOR STAFFORD: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1537, substituted earlier, by member of the Assembly Crowley, Assembly Bill Number 6325, Racing, Pari-Mutuel Wagering and Breeding Law.

SENATOR STAFFORD: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1538, substituted earlier today, by member of the Assembly Nolan, Assembly Bill Number 4740-A, Real Property Tax Law.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Lay it aside temporarily.

SENATOR KUHL: Lay it aside.

THE SECRETARY: Calendar Number 1539, substituted earlier, by member of the Assembly Lafayette, Assembly Bill Number 3757 A.

SENATOR OPPENHEIMER: Explanation.

THE SECRETARY: Transportation Law.

SENATOR VELELLA: No.

ACTING PRESIDENT FARLEY: No? Senator Velella. Senator Velella. An explanation has been asked for on 1539.

SENATOR VELELLA: This bill is a chapter amendment actually to a bill that we passed last year regulating the transportation of people within the city of New York by vans.

As you know, last year we transferred that authority from Department of Transportation to the city of New York. There

were some specific objections made by several Senators, especially those of Senator Marchi and Senator Mega, and these amendments that are being made to this provision that we passed last year address those objections.

There is a provision in there that anyone that is a passenger in a van that is stopped and about to be seized under the authority of law, that the passengers will be left off in an area where they can avail themselves of public transportation. There are two or three other small amendments that would assist people in Staten Island that have that problem.

SENATOR OPPENHEIMER: Senator, my -

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

SENATOR OPPENHEIMER: My concern had been the sort of confrontational situation that we had between suburbia and the city, but you've answered. It's not that.

Thank you.

SENATOR VELELLA: Thank you.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 3, Senators Galiber, Mega and Mendez recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1540, substituted earlier, by the Assembly Committee on Rules, Assembly Bill Number 7660, Retirement and Social Security Law.

ACTING PRESIDENT FARLEY: You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1542, substituted earlier, by the Assembly Committee on Rules, Assembly Bill Number 8074, Administrative Code of the city of New York.

ACTING PRESIDENT FARLEY: Senator Velella has a home rule message here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1546, substituted earlier.

SENATOR KUHL: Lay aside.

ACTING PRESIDENT FARLEY: Laid

aside.

THE SECRETARY: Calendar Number 1548, substituted earlier, by the Assembly Committee on Rules, Assembly Bill Number 8665, Education Law.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1554, substituted earlier by the Assembly Committee on Rules, Assembly Bill Number 8699, amends Chapter 502 of the Laws of 1992, relating to certain non-judicial officers and employees.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 1559, by the Senate Committee on Rules, Senate Bill Number 6111, amends Chapter 348 of the Laws of 1989, amending the Retirement and Social Security Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Excuse me. Ayes 58, nays one, Senator Kuhl recorded in the negative.

ACTING PRESIDENT FARLEY: Senator Seward, could you see me for a minute?

THE SECRETARY: Calendar Number 1560, by the Committee on Rules, Senate Bill

Number 6113, an act to amend the Education Law.

ACTING PRESIDENT SEWARD: Last section.

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

ACTING PRESIDENT SEWARD: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT SEWARD: The bill is passed.

SENATOR GALIBER: Could we reconsider the vote by which that bill was passed.

ACTING PRESIDENT SEWARD: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

SENATOR GALIBER: Would you lay it aside for an explanation, please.

ACTING PRESIDENT SEWARD: The bill is laid aside.

SENATOR KUHL: We're on Calendar Number 1560, we're on the controversial calendar. If there's an explanation being asked for, we'll debate the bill right now.

Senator Spano, explanation.

ACTING PRESIDENT SEWARD: Senator Spano for an explanation.

SENATOR SPANO: Mr. President, this bill would allow the Yonkers School District to participate -- continue to participate in the employment preparation education program without providing its maintenance of effort share for the 1993-94 school year.

Yonkers, as many of the members of this house probably realize, has had many problems in terms of the court-ordered desegregation of its school system. The district simply cannot fund the programs that are not covered by the desegregation order and this bill would give them that exemption.

SENATOR GALIBER: Explanation satisfactory.

SENATOR SPANO: Last section.

SENATOR KUHL: Last section.

ACTING PRESIDENT SEWARD: Last section.

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

ACTING PRESIDENT SEWARD: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT SEWARD: The bill is passed. Senator Kuhl, that completes the controversial.

SENATOR KUHL: Not quite, Mr. President. May we return to Calendar Number 1538, Senator Goodman's bill.

ACTING PRESIDENT SEWARD: Secretary will read 1538.

THE SECRETARY: Calendar Number 1538, substituted earlier today, by member of the Assembly Nolan, Assembly Bill Number 4740-A, Real Property Tax Law.

ACTING PRESIDENT SEWARD: Call

the roll.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT SEWARD: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. If we might just temporarily stand at ease for a few moments.

(The Senate stood at ease from 6:52 to 6:58 p.m.)

ACTING PRESIDENT SEWARD: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. There being no further business before us this day, I move the Senate stand adjourned until tomorrow at 2:30.

ACTING PRESIDENT SEWARD: The Senate stands adjourned until tomorrow at 2:30.

(Whereupon at 6:59 p.m., the Senate adjourned.)