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ALBANY, NEW YORK  
February 28, 1994  
3:55 p.m.

REGULAR SESSION

SENATOR FRANK PADAVAN, Acting President  
STEPHEN F. SLOAN, Secretary

## 1 P R O C E E D I N G S

2 ACTING PRESIDENT PADAVAN: The  
3 Senate will come to order. Today's prayer will  
4 be given by Rabbi Shmuel Butman, the director of  
5 the Lubavitch Youth Organization, Brooklyn.

6 RABBI BUTMAN: Let us pray.  
7 Almighty God, we ask You to bestow -- bestow  
8 Your blessings upon all the members of the  
9 United -- of the New York State Senate for  
10 health and for sustenance and for good fortune  
11 in their private lives, as well as in their  
12 communal lives.

13 Today we are here to celebrate,  
14 Almighty God, the 92nd birthday of the revered  
15 leader of world Jewery, the Lubavitcher. The  
16 Lubavitcher tells us that you, Almighty God, are  
17 about to redeem the world and send us the  
18 righteous Messiah and You, Almighty God, have  
19 already started the messianic process.

20 You have let open the borders of  
21 the former Soviet Union for hundreds and  
22 thousands of Jews that should be able to  
23 emigrate from there to the holy land of Israel.

1 This is the beginning of the messianic process.

2 We ask You, Almighty God, to give  
3 us the strength to continue and to accelerate  
4 this process and in this spirit, I offer one  
5 dollar, in which it says "In God I trust", into  
6 this pushka.

7 This pushka reminds us that we  
8 have a responsibility as human beings, not only  
9 to each other, but to society in general. This  
10 pushka reminds us that there is a super -  
11 there's a super power that tells us to do  
12 goodness and kindness.

13 We hope, Almighty God, that You  
14 will bestow Your infinite blessings on all the  
15 members of this Assembly and upon the  
16 Lubavitcher upon his 91nd birthday, and in Psalm  
17 93, which the Rebbe is going to start saying  
18 along with all Jews in two short weeks, that  
19 entire Psalm is dedicated to the coming of the  
20 messiah and to the redemption, and we hope you  
21 will give the Rebbe long life and health and  
22 strength that he should be able to lead us  
23 toward this redemp|ion immediately; that you

1 will bestow all your blessings upon all the  
2 members of the New York State Assembly, they  
3 should have great miracles and a lot of success  
4 in their communal lives and as well as in their  
5 private lives. And let's say Amen.

6 ACTING PRESIDENT PADAVAN: Join  
7 me in pledging allegiance to the Flag.

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

10 Reading of the Journal.

11 THE SECRETARY: In Senate,  
12 Friday, February 25th. The Senate met pursuant  
13 to adjournment, Senator Bruno in the chair upon  
14 designation of the Temporary President. The  
15 Journal of Tuesday, February 24th, was read and  
16 approved. On motion, Senate adjourned.

17 ACTING PRESIDENT PADAVAN:  
18 Hearing no objection, the Journal stands  
19 approved as read.

20 Presentation of petitions.

21 SENATOR GOLD: Mr. President.

22 ACTING PRESIDENT PADAVAN:  
23 Senator Gold.

1                   SENATOR GOLD:  Yes, thank you  
2                   very much.

3                   Mr. President, before we get  
4                   involved in the business of the day, I wanted to  
5                   have the honor -- Senator Ohrenstein is involved  
6                   right now in some business, but we have two new  
7                   members of this body who were recently elected  
8                   and now that we're back from the break, will be  
9                   taking their seats in the chamber to join us in  
10                  our deliberations today, and I wanted to  
11                  introduce them.

12                  From the 21st Senate District, in  
13                  Kings County, we have with us -- and he's going  
14                  to be sitting, I guess, in that second seat in  
15                  the first row -- Senator Carl Kruger, and behind  
16                  him, I guess, next to Senator Onorato, from the  
17                  great city of Buffalo, the 57th District,  
18                  Anthony Nanula.  So our two new Senators and  
19                  welcome.

20                  (Applause)

21                  ACTING PRESIDENT PADAVAN:  Will  
22                  the two Senators please come to the well of the  
23                  Senate.

1                   Gentlemen, raise your right  
2 hands. You will please repeat after me. I do  
3 solemnly swear...

4                   SENATORS KRUGER AND NANULA: I do  
5 solemnly swear...

6                   ACTING PRESIDENT PADAVAN: That I  
7 will support the Constitution of the United  
8 States...

9                   SENATORS KRUGER AND NANULA: That  
10 I will support the Constitution of the United  
11 States...

12                   ACTING PRESIDENT PADAVAN: The  
13 Constitution of the state of New York...

14                   SENATORS KRUGER AND NANULA: The  
15 Constitution of the state of New York...

16                   ACTING PRESIDENT PADAVAN: And I  
17 will faithfully discharge the duties of the  
18 office of state Senator...

19                   SENATORS KRUGER AND NANULA: I  
20 will faithfully discharge the duties of the  
21 office of state Senator...

22                   ACTING PRESIDENT PADAVAN:  
23 According to the best of my ability.

1 SENATORS KRUGER AND NANULA:

2 According to the best of my ability.

3 ACTING PRESIDENT PADAVAN: Let  
4 the record show that you've already submitted  
5 such documents which are on file with the  
6 Secretary of State.

7 Congratulations.

8 (Applause).

9 Presentation of Petitions.

10 Messages from the Assembly.

11 Messages from the Governor.

12 Senator Present.

13 SENATOR PRESENT: Mr. President,  
14 on behalf of the Majority Leader and the  
15 Republican side of this chamber, may I welcome  
16 the two members who have joined us today and  
17 wish them good work with us, joining us for the  
18 balance of this session.

19 ACTING PRESIDENT PADAVAN:

20 Reports of standing committees.

21 Reports of -- Mr. Gold -- Senator  
22 Gold.

23 SENATOR GOLD: Mr. President.

1                   We're delighted to have two new  
2                   Senators with us, but I want to point out that  
3                   one of the colleagues on this side of the aisle  
4                   is a bit delayed, and I'm not sure whether he's  
5                   going to make it today.

6                   They tell me that Senator  
7                   Paterson and his wife, Michele, are all  
8                   engrossed in Alexander Basil Paterson, a  
9                   brand-new baby boy, 7 pounds 14 ounces, who was  
10                  born yesterday morning, I guess it was. So I  
11                  guess on behalf of everybody, the record should  
12                  indicate that we're very proud of David in his  
13                  fatherhood, and we wish him and his family well.

14                  ACTING PRESIDENT PADAVAN: Thank  
15                  you, Senator Gold.

16                  SENATOR MARCHI: Mr. President,  
17                  Would you offer an amendment?

18                  SENATOR GOLD: Oh, yeah, I  
19                  thought you were getting up to yield and I was  
20                  going say, I'm going to do it.

21                  SENATOR MARCHI: No. Will you  
22                  also incorporate for the purposes of the record  
23                  that Mrs. Paterson is a Staten Islander?

1                   SENATOR GOLD:  Yes, and as of the  
2 present time, she resides in New York City.

3                   ACTING PRESIDENT PADAVAN:  
4 Reports of standing committees.

5                   Senator Galiber, are you -  
6 Okay.  He's standing; now he's sitting.

7                   Select committees.

8                   Communications and reports from  
9 state officers.

10                  Motions and resolutions.

11                  Senator Farley.

12                  SENATOR FARLEY:  Thank you, Mr.  
13 President.

14                  On behalf of Senator Maltese, on  
15 page 11, I offer the following amendments to  
16 Calendar 236, Senate Print 1053-A, and I ask  
17 that that bill retain its place -

18                  SENATOR GOLD:  So ordered.

19                  SENATOR FARLEY:  -- on the Third  
20 Reading Calendar.

21                  On behalf of Senator Nozzolio, on  
22 page 6, I offer the following amendments to  
23 Calendar 145, Senate Print 6332-B, and I ask

1           that that bill retain its place.

2                         ACTING PRESIDENT PADAVAN: So  
3           ordered.

4                         SENATOR FARLEY: Also, on behalf  
5           of Senator Nozzolio, on page 5, I offer the  
6           following amendments to Calendar 143, Senate  
7           Print 6315-A, and I ask that that bill retain  
8           its place.

9                         ACTING PRESIDENT PADAVAN: So  
10          ordered.

11                        SENATOR FARLEY: On behalf of  
12          Senator Kuhl, on page 4, I offer the following  
13          amendments to Calendar Number 82, Senate Print  
14          6215-B, and I ask that that bill retain its  
15          place on the Third Reading Calendar.

16                        ACTING PRESIDENT PADAVAN: So  
17          ordered.

18                        Senator Present.

19                        SENATOR PRESENT: Mr. President,  
20          would you recognize Senator Marchi, please.

21                        ACTING PRESIDENT PADAVAN:  
22          Senator Marchi.

23                        SENATOR MARCHI: Mr. President,

1           there is a resolution at the desk, I believe,  
2           privileged resolution.

3                           ACTING PRESIDENT PADAVAN:  
4           Resolution is before the house and will be read.

5                           SENATOR MARCHI: I would request  
6           that the resolution be read in its entirety.

7                           ACTING PRESIDENT PADAVAN: Read  
8           in its entirety.

9                           THE SECRETARY: Legislative  
10          resolution, by Senator Marchi, proclaiming March  
11          23rd through June 22nd, 1994, as "New York  
12          State's 92 Days of Education" in tribute to the  
13          92nd birthday of the Lubavitcher Rebbe, Rabbi  
14          Menahem M. Schneerson, Shlita, to be celebrated  
15          by the Assembly of the state of New York on  
16          February 28th, 1994;

17                          WHEREAS the leading Rabbi of this  
18          generation, Lubavitcher Rebbe, Rabbi Menahem M.  
19          Schneerson, Shlita, whose 92nd birthday is an  
20          auspicious event worthy of worldwide  
21          recognition, will be honored by the membership  
22          of the Assembly of the State of New York at a  
23          celebration to be held in the Assembly Parlor on

1 Monday, February 28th, 1994;

2 In fitting tribute to this  
3 learned gentleman and in recognition of his  
4 humanitarian leadership around the world, this  
5 Assembly around the state of New York proclaims  
6 March 23rd through June 22nd, 1994 as "New York  
7 State's 92 Days of Education" in tribute to his  
8 educational endeavors on behalf of all mankind.

9 Rabbi Schneerson's educational  
10 activities throughout the globe have enriched  
11 and strengthened the religious, educational,  
12 cultural, moral and ethical fibers of all  
13 citizens of the world;

14 The Lubavitcher Rebbe has, over  
15 his 44 years of dedicated leadership,  
16 established over 1500 Lubavitch Centers, helping  
17 people of all walks of life throughout the  
18 world, from Australia to Africa, from Holland to  
19 Argentina, from Moscow to Jerusalem;

20 The Rebbe has proclaimed that the  
21 time of our redemption has arrived and Moshiach  
22 is on his way;

23 The Lubavitcher Rebbe has called

1       upon the citizens of the world to prepare for  
2       the Great Redemption with a personal commitment  
3       to increase in charity and good deeds;

4               The entire world is now engaged  
5       in prayers for the speedy and complete recovery  
6       of the Rebbe with an outpouring of love and  
7       affection from millions of followers, admirers  
8       and beneficiaries from all parts of the globe;.

9               Throughout his purposeful journey  
10       of life, Rabbi Schneerson has compiled with  
11       dignity and grace, decades of continuing years,  
12       filled with philanthropic causes, humanitarian  
13       effort and astute Judaic leadership, justly  
14       earning the admiration, love and respect of the  
15       world, whose countless followers now engage in  
16       prayer for his timely return to good health;  
17       Therefore, be it.

18               RESOLVED that his Legislative  
19       Body pause in its deliberations to warmly  
20       proclaim its heartfelt congratulations and  
21       extend sincere best wishes for the continued  
22       good health on the auspicious occasion of the  
23       92nd birthday of Lubavitcher Rebbe, Rabbi

1 Menachem M. Schneerson, Shlita; and be it  
2 further

3 RESOLVED that this legislative  
4 body proclaim the period from March 23rd, 1994  
5 corresponding to the 11th of Nissan, 5754 the  
6 Rebbe -- the Rebbe's 92nd birthday, to June  
7 22nd, 1994, corresponding to the 13th day of  
8 Tammuz, as "New York State's 92 Days of  
9 Education", as a special tribute to a revered  
10 friend, Lubavitcher Rebbe, Rabbi Menachem M.  
11 Schneerson, Shlita; and be it further

12 RESOLVED that a copy of this  
13 resolution, suitably engrossed, be transmitted  
14 to Rabbi Menachem M. Schneerson.

15 ACTING PRESIDENT PADAVAN:  
16 Senator Marchi.

17 SENATOR MARCHI: Mr. President,  
18 it has been a real pleasure over the years to  
19 sponsor this resolution in honor of the  
20 observance of Rabbi Menachem Schneerson,  
21 Shlita.

22 I had the pleasure of meeting him  
23 many years ago. This incredibly urbane and, at

1 the same time, very sensitive and moral force,  
2 studied at the University of Berlin, at the  
3 Sorbonne, has a total mastery of mathematics and  
4 science, a man of tremendous accomplishments,  
5 and also, I think, of the greatest relevance of  
6 all in the tradition that he exemplifies, his  
7 spiritual leadership, his concern about detail.  
8 Most leaders perhaps deal with a larger  
9 picture. He goes beyond the larger picture and  
10 deals with the problems of individuals and plays  
11 a very vital, important and significant role in  
12 the resolution of so many personal problems of a  
13 delicate and tender nature.

14 This is the measure of the  
15 individual, the measure of his spirituality. He  
16 -- his mastery of the Mishnah Torah is -  
17 exemplifies and carries forward the traditions  
18 that go back over the centuries and were given  
19 added significance in the 12th Century when  
20 Maimonides, the Rambam, if I pronounce it  
21 correctly, gave -- took all of this oral law,  
22 which has been called the strong law, and gave  
23 it organization and substance and put it in good

1           -- good form for its perpetuation and for its  
2 understanding.

3                           His interpretation and his  
4 bringing forward of Aristotelian philosophy  
5 played a very, very dominant role in Jewish  
6 philosophy at that time, and on Christian  
7 philosophy, the -- the doctrine that brings us  
8 all together, which is the spiritual autonomy of  
9 the individual under God, not worship of the  
10 planets or the stars or anything else, but of a  
11 spiritual force that is intimate to each and  
12 every one of us, and our own spiritual  
13 significance as enjoying that spiritual autonomy  
14 that each individual has, and this is part of  
15 our common tradition.

16                           We all -- we all draw strength  
17 from that font. We all draw strength from the  
18 covenant that you serve so well and that the  
19 Rebbe has exemplified in such a magnificent  
20 fashion.

21                           So we should take appropriate  
22 notice of this. There are 1500, as the  
23 resolution mentioned, centers throughout the

1 world, and education and learning is part of  
2 that process. The exhortation on the works of  
3 charity and compassion and kindness is implicit  
4 in that message. So we are in a spiritual  
5 framework. We are all together. All of us that  
6 are here in this chamber grow out of that  
7 tradition and we draw strength from that trunk  
8 which is basic to all of us.

9 So again, it is with the greatest  
10 of pleasure that we welcome you and we carry our  
11 prayers and best wishes back to the Rebbe, and I  
12 also want to say that if anyone wants to join in  
13 this resolution, certainly the -- our  
14 distinguished clerk will note your name, but I  
15 -- this is a great moment and we look forward  
16 to seeing you again, and our prayers and best  
17 wishes.

18 ACTING PRESIDENT PDAVAN:  
19 Senator Gold.

20 SENATOR GOLD: Thank you very  
21 much.

22 First, the -- Rabbi Butman, let  
23 me say that I know that our -- our distinguished

1 clerk, Mr. Cornell, has a little problem with  
2 translating some of the -- pronouncing some of  
3 the words, but I want to tell you that you  
4 cannot have a person with a better, purer heart  
5 than Mr. Cornell, and I've heard him sing  
6 religious songs and he's a good person to have  
7 read it.

8 As far as Senator Marchi is  
9 concerned, I hope you understand, Rabbi, that I  
10 have had to make a deal with him, because in  
11 order to get him to the point where he can talk  
12 the scholarly way he does, where I noticed you  
13 were shaking your head in agreement, I not only  
14 have to study Italian, I have to study the  
15 Italian opera to keep up with him.

16 Rabbi, before I even got involved  
17 in politics, one of the impressions that I've  
18 had which was very important in my life was just  
19 going to work in New York City and, from time to  
20 time, passing these beautiful bands that were  
21 doing nothing more -- and I put in quotation  
22 marks, "nothing more" -- than talking to Jews  
23 walking in the street and encouraging them, if

1       they wanted, to light candles, put on pefillin,  
2       learn something, and I thought that was  
3       wonderful.

4                       There are a lot of people and a  
5       lot of religion -- religious organizations who  
6       do out-reach in ways which some of us have  
7       questioned from time to time, but the  
8       sensitivity and the -- the joy that these  
9       mitzvah wagons bring and the good work they do  
10      is something that I'm telling you, before  
11      politics, the first time I saw them, impressed  
12      me, and I want to very proudly join with Senator  
13      Marchi as a sponsor of this resolution, wishing  
14      only good health to the Rebbe and, particularly,  
15      I'm proud of the resolution because, as you  
16      pointed out, Rabbi Butman, in Jewish life, it's  
17      not enough to say something. We do something.  
18      We put in the pushka and we do something, and to  
19      take 92 days to stress education, is certainly a  
20      wonderful honor towards the Rebbe.

21                      So, I want to thank you for  
22      coming here today, and please extend my best  
23      wishes.

1                   RABBI BUTMAN: Thank you very,  
2                   very much.

3                   ACTING PRESIDENT PADAVAN: All  
4                   members of the Senate will be added to the  
5                   resolution, unless they notify the Secretary  
6                   otherwise. The resolution is adopted.

7                   Senator Johnson, did you have a  
8                   motion?

9                   SENATOR JOHNSON: Yes, Mr.  
10                  President. I move that the following bill be  
11                  discharged from its respective committee and  
12                  recommitted with instructions to strike the  
13                  enacting clause: Senate Print Number 2327.

14                  ACTING PRESIDENT PADAVAN: So  
15                  ordered.

16                  Senator Galiber.

17                  SENATOR GALIBER: Mr. President,  
18                  on February the 15th, we had budget hearings, as  
19                  you well know, which is traditional here, and I  
20                  was attending the budget hearings, and I would  
21                  like to, for the record, with your consent, of  
22                  course, to be recorded in the negative, that if  
23                  I were in the chamber, I would have voted in the

1 negative on Bill -- Calendar Number 153, which  
2 is Senate 2583; Calendar 180, Senate 919-A;  
3 Calendar Number 186, Senate 2990.

4 ACTING PRESIDENT PADAVAN: The  
5 record will so show.

6 SENATOR GALIBER: Thank you.

7 ACTING PRESIDENT PADAVAN: Thank  
8 you, Senator Galiber.

9 The clerk will read a  
10 substitution.

11 THE SECRETARY: On page 10 of  
12 today's calendar, Senator Cook moves to  
13 discharge the Committee on Education from  
14 Assembly Bill Number 8774-B and substitute it  
15 for the identical Third Reading 228.

16 ACTING PRESIDENT PADAVAN: So  
17 ordered.

18 Senator Present, should we  
19 proceed with the calendar? Oh, excuse me.

20 Senator DiCarlo.

21 SENATOR DiCARLO: Mr. President, I  
22 would like to make a motion to star Calendar  
23 Number 199, Senate 6552, please.

1                   ACTING PRESIDENT PADAVAN: So  
2           ordered. Calendar -

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

6                   ACTING PRESIDENT PADAVAN:  
7           Secretary will read.

8                   THE SECRETARY: On page 4,  
9           Calendar Number 27, by Senator Wright, Senate  
10          Bill Number 4106-A, an act to amend the State  
11          Administrative Procedure Act.

12                   SENATOR GOLD: Lay it aside.

13                   ACTING PRESIDENT PADAVAN: Lay it  
14          aside.

15                   THE SECRETARY: Calendar Number  
16          62, by Senator Velella, Senate Bill Number 6398.

17                   SENATOR GALIBER: Lay it aside.

18                   ACTING PRESIDENT PADAVAN: Lay it  
19          aside for the day.

20                   THE SECRETARY: Calendar Number  
21          88, by Senator -

22                   SENATOR GOLD: Lay it aside.

23                   ACTING PRESIDENT PADAVAN: Lay it

1       aside for the day.

2                   THE SECRETARY:   Calendar Number  
3       103, by Senator Stafford, Senate Bill Number  
4       6384.

5                   SENATOR GOLD:   Lay it aside for  
6       Senator Dollinger.

7                   ACTING PRESIDENT PADAVAN:   Lay it  
8       aside.

9                   THE SECRETARY:   Calendar Number  
10      130, by Senator Stafford, Senate Bill Number  
11      438, an act to amend the Real Property Tax Law.

12                   SENATOR GOLD:   Lay it aside.

13                   THE SECRETARY:   Calendar Number  
14      154, by Senator LaValle, Senate Bill Number  
15      3970-A, an act to amend the Education Law.

16                   SENATOR GOLD:   Lay it aside.

17                   ACTING PRESIDENT PADAVAN:   Lay it  
18      aside.

19                   THE SECRETARY:   Calendar Number  
20      163, by Senator Stafford, Senate Bill -

21                   SENATOR GOLD:   Lay it aside.

22                   ACTING PRESIDENT PADAVAN:

23      Senator Gold, what was your motion?

1 SENATOR GOLD: Lay it aside.

2 ACTING PRESIDENT PDAVAN: Lay it  
3 aside.

4 THE SECRETARY: Calendar Number  
5 168, by Senator Levy, Senate Bill Number 5435-B,  
6 an act to direct the New York State Thruway  
7 Authority -

8 SENATOR GOLD: Lay it aside.

9 ACTING PRESIDENT PDAVAN: Lay it  
10 aside.

11 THE SECRETARY: Calendar Number  
12 169, by Senator Holland -

13 SENATOR GOLD: Can we lay this  
14 one aside?

15 ACTING PRESIDENT PDAVAN: Lay it  
16 aside.

17 THE SECRETARY: Calendar Number  
18 170, by Senator Holland, Senate Bill Number  
19 6335-A, an act to amend the Public Authorities  
20 Law, in relation -

21 SENATOR GOLD: Lay it aside.

22 ACTING PRESIDENT PDAVAN: Lay it  
23 aside.

1 THE SECRETARY: Calendar Number  
2 189, by Senator Skelos, Senate Bill Number 3612,  
3 an act to amend the Criminal Procedure Law, in  
4 relation to designating taxicab, limousine and  
5 tow car license inspectors.

6 ACTING PRESIDENT PADAVAN: Read  
7 the last section.

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

10 ACTING PRESIDENT PADAVAN: Call  
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT PADAVAN:  
14 Results.

15 THE SECRETARY: Ayes 39, nays 2.  
16 Senators Galiber and Gold recorded in the  
17 negative.

18 ACTING PRESIDENT PADAVAN: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 195, by Senator Johnson, Senate -

22 SENATOR JOHNSON: Lay it aside  
23 for the day.

1                   ACTING PRESIDENT PADAVAN: Lay it  
2                   aside for the day.

3                   THE SECRETARY: Calendar Number  
4                   197, by Senator LaValle, Senate Bill Number 577,  
5                   an act to amend the Correction Law.

6                   SENATOR GALIBER: Lay it aside.

7                   ACTING PRESIDENT PADAVAN: Lay it  
8                   aside.

9                   THE SECRETARY: Calendar Number  
10                  218, by Senator Johnson, Senate Bill Number  
11                  1284, an act to amend the Vehicle and Traffic  
12                  Law.

13                  ACTING PRESIDENT PADAVAN: Read  
14                  the last section.

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

17                  ACTING PRESIDENT PADAVAN: Call  
18                  the roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT PADAVAN:  
21                  Results.

22                  THE SECRETARY: Ayes 41.

23                  ACTING PRESIDENT PADAVAN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 219, by Senator Levy, Senate Bill Number 1306,  
4 an act to amend the Executive Law and the  
5 Estates, Powers and Trust Law.

6 ACTING PRESIDENT PADAVAN: Read  
7 the last section.

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

10 ACTING PRESIDENT PADAVAN: Call  
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT PADAVAN:  
14 Results.

15 THE SECRETARY: Ayes 41.

16 ACTING PRESIDENT PADAVAN: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 220, by Senator LaValle, Senate Bill Number  
20 4017, Executive Law, in relation to population  
21 requirements for municipalities.

22 ACTING PRESIDENT PADAVAN: Read  
23 the last section.

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

3 ACTING PRESIDENT PADAVAN: Call  
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PADAVAN:  
7 Results.

8 THE SECRETARY: Ayes 41.

9 ACTING PRESIDENT PADAVAN: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 221, by Senator Maltese, Senate Bill Number  
13 4519, Executive Law, requiring certain notices.

14 ACTING PRESIDENT PADAVAN: Read  
15 the last section.

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

18 ACTING PRESIDENT PADAVAN: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PADAVAN:  
22 Results.

23 THE SECRETARY: Ayes 41.

1                   ACTING PRESIDENT PADAVAN: The  
2 bill is passed.

3                   THE SECRETARY: Calendar Number  
4 223, by Senator Holland, Senate Bill Number  
5 6307-A, firefighting equipment in the possession  
6 of the Office of Mental Retardation.

7                   ACTING PRESIDENT PADAVAN: Read  
8 the last section.

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

11                   ACTING PRESIDENT PADAVAN: Call  
12 the roll.

13                   (The Secretary called the roll.)

14                   ACTING PRESIDENT PADAVAN:  
15 Results.

16                   THE SECRETARY: Ayes 42.

17                   ACTING PRESIDENT PADAVAN: The  
18 bill is passed.

19                   SENATOR GOLD: Mr. President.

20                   ACTING PRESIDENT PADAVAN:  
21 Senator Hoffmann.

22                   SENATOR HOFFMANN: I was out of  
23 the chamber when Calendar 189 was passed. I

1 would like to be recorded in the negative with  
2 unanimous consent, please.

3 ACTING PRESIDENT PADAVAN:  
4 Senator Hoffmann recorded in the negative.

5 Senator Kuhl.

6 SENATOR KUHL: Yes, could I be  
7 recorded in the negative on Calendar Number  
8 223?

9 ACTING PRESIDENT PADAVAN: 223,  
10 Senator?

11 SENATOR KUHL: Yes, the clerk -

12 ACTING PRESIDENT PADAVAN:  
13 Senator Kuhl is in the negative.

14 THE SECRETARY: Calendar Number  
15 224, by Senator Stafford -

16 ACTING PRESIDENT PADAVAN: Home  
17 rule message is at the desk.

18 THE SECRETARY: Senate Bill  
19 Number 6321, in relation to the creation of a  
20 fire district in the town of Westport.

21 ACTING PRESIDENT PADAVAN: Read  
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT PADAVAN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 42.

6 ACTING PRESIDENT PADAVAN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 225, by senator Volker, Senate Bill 6345, Public  
10 Authorities Law, in relation to creating the  
11 Livingston County Water and Sewer Authority.

12 ACTING PRESIDENT PADAVAN: Read  
13 the last section.

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

16 ACTING PRESIDENT PADAVAN: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 42.

20 ACTING PRESIDENT PADAVAN: The  
21 bill is passed.

22 THE SECRETARY: Calendar number  
23 226, by Senator Stafford, Senate Bill Number

1 6689, State Finance Law, in relation to the  
2 manner of contracting.

3 ACTING PRESIDENT PADAVAN: Read  
4 the last section.

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

7 ACTING PRESIDENT PADAVAN: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 42.

11 ACTING PRESIDENT PADAVAN: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 227, by Senator LaValle, Senate Bill Number 241,  
15 authorizing the approval of certain building aid  
16 for the William Floyd Union Free School  
17 District.

18 ACTING PRESIDENT PADAVAN:  
19 There's a local fiscal impact note at the desk.

20 Read the last section.

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

23 ACTING PRESIDENT PADAVAN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT PADAVAN:

4 Results.

5 THE SECRETARY: Ayes 42.

6 ACTING PRESIDENT PADAVAN: The

7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 228, substituted earlier today by the Assembly  
10 Committee on Rules, Assembly Bill Number 8774-B,  
11 Education Law, in relation to employment  
12 preparation, educational apportionments.

13 ACTING PRESIDENT PADAVAN: Local  
14 fiscal impact note is at the desk.

15 Read the last section.

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

18 ACTING PRESIDENT PADAVAN: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PADAVAN:

22 Results.

23 THE SECRETARY: Ayes 42, nays 1.

1 Senator Kuhl recorded in the negative.

2 ACTING PRESIDENT PADAVAN: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 229, by Senator Present, Senate Bill Number  
6 6589, authorize the apportionment of certain  
7 education aid to Portville Central School.

8 ACTING PRESIDENT PADAVAN:  
9 There's a local fiscal impact note at the desk.  
10 Read the last section.

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

13 ACTING PRESIDENT PADAVAN: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 43.

17 ACTING PRESIDENT PADAVAN: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 231, by Senator Daly, Senate Bill Number 1106-A,  
21 Social Services Law.

22 ACTING PRESIDENT PADAVAN: Read  
23 the last section.

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

3 ACTING PRESIDENT PADAVAN: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 43.

7 ACTING PRESIDENT PADAVAN: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 232, by Senator Holland, Senate Bill Number  
11 1775-A, an act to amend the Social Services Law.

12 ACTING PRESIDENT PADAVAN: Read  
13 the last section.

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

16 ACTING PRESIDENT PADAVAN: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 43.

20 ACTING PRESIDENT PADAVAN: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 233, by Senator Holland, Senate Bill Number

1 20 -

2 SENATOR GOLD: Lay it aside.

3 ACTING PRESIDENT PDAVAN: Lay it  
4 aside -- the bill is withdrawn at the request of  
5 the sponsor. Are you laying it aside, Senator,  
6 for -

7 SENATOR HOLLAND: Star the bill.

8 ACTING PRESIDENT PDAVAN: The  
9 bill is starred at the request of the sponsor.

10 THE SECRETARY: Calendar Number  
11 234, by Senator Holland, Senate Bill Number  
12 5626-B, an act to amend the Social Services Law.

13 ACTING PRESIDENT PDAVAN: Read  
14 the last section.

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

17 ACTING PRESIDENT PDAVAN: Call  
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 43.

21 ACTING PRESIDENT PDAVAN: The  
22 bill is passed.

23 Senator Markowitz.

1                   SENATOR MARKOWITZ: I want to be  
2 recorded in the negative on Calendar Number 231.

3                   ACTING PRESIDENT PDAVAN: So  
4 ordered.

5                   THE SECRETARY: Calendar Number  
6 235, by Senator Maltese -

7                   ACTING PRESIDENT PDAVAN: Read  
8 the last section. Which one are we on?

9                   Senator Mendez.

10                  SENATOR MENDEZ: Yes, Mr.  
11 President, I would like to be recorded in the  
12 negative on Calendar Number 231.

13                  ACTING PRESIDENT PDAVAN: 231,  
14 recorded in the negative. So ordered.

15                  THE SECRETARY: Calendar Number  
16 235, by Senator Maltese, Senate Bill Number  
17 368-A, Real Property Tax Law.

18                  ACTING PRESIDENT PDAVAN: Read  
19 the last section.

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

22                  ACTING PRESIDENT PDAVAN: Call  
23 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 43.

3 ACTING PRESIDENT PADAVAN: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 237, by Senator Lack, Senate Bill Number 1396,  
7 Civil Service Law, definition of veteran for  
8 purposes of eligibility for additional civil  
9 service credit.

10 ACTING PRESIDENT PADAVAN: Read  
11 the last section.

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

14 ACTING PRESIDENT PADAVAN: Call  
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PADAVAN:  
18 Results.

19 THE SECRETARY: Ayes 43.

20 ACTING PRESIDENT PADAVAN: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 238, by Senator Larkin, Senate Bill Number

1 4354-B, Education Law, in relation to expanding  
2 student aid programs for Vietnam veterans.

3 ACTING PRESIDENT PADAVAN: Read  
4 the last section.

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

7 ACTING PRESIDENT PADAVAN: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 43.

11 ACTING PRESIDENT PADAVAN: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 239, by Senator Levy, Senate Bill Number 6370,  
15 Highway Law, in relation to designating a  
16 portion of the state highway system as the  
17 "POW-MIA Memorial Highway."

18 ACTING PRESIDENT PADAVAN: Read  
19 the last section.

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

22 ACTING PRESIDENT PADAVAN: Call  
23 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 53.

3 ACTING PRESIDENT PDAVAN: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 240, by Senator Farley, Senate Bill Number 6513,  
7 Highway Law, in relation to the Schenectady  
8 County Veterans Memorial Highway.

9 ACTING PRESIDENT PDAVAN: Read  
10 the last section.

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

13 ACTING PRESIDENT PDAVAN: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 53.

17 ACTING PRESIDENT PDAVAN: The  
18 bill is passed.

19 Senator Present.

20 SENATOR PRESENT: Mr. President,  
21 we'll take up the controversial calendar.

22 ACTING PRESIDENT PDAVAN:  
23 Controversial.

1 THE SECRETARY: On page four,  
2 Calendar Number 27, by Senator Wright, Senate  
3 Bill Number 4106-A, State Administrative  
4 Procedure Act.

5 SENATOR GOLD: Explanation.

6 ACTING PRESIDENT PADAVAN:  
7 Explanation is requested of the sponsor.

8 SENATOR WRIGHT: Mr. President,  
9 the bill amends the State Administrative  
10 Procedure Act in two very specific manners.

11 One, it prohibits state agencies  
12 from imposing standards and rules or regulations  
13 that exceed federal minimum standards.

14 And secondly, it provides in  
15 instances where business, local governments or  
16 other communities of interest, are trying to  
17 achieve compliance with federal standards,  
18 achieve that compliance. It also applies for  
19 purposes of state standards.

20 SENATOR GOLD: Mr. President.

21 ACTING PRESIDENT PADAVAN:  
22 Senator Gold.

23 SENATOR GOLD: Mr. President,

1       this is a bill we've had before, and last year  
2       Senators Connor, Dollinger, Espada and myself,  
3       Markowitz, Mendez, Ohrenstein, Oppenheimer,  
4       Stachowski and Stavisky voted in the negative.  
5       And as it was pointed out, basically this  
6       abrogates the state's responsibility in favor of  
7       the federal government.

8                   It does not take into  
9       consideration local conditions which require  
10      local action, et cetera, and there are memos in  
11      opposition from the New York State Trial Lawyers  
12      and from the Department of Environmental  
13      Conservation. There is a support memo filed  
14      last year by the Empire State Forest Products  
15      Association.

16                   I think we basically have debated  
17      this before, and I would urge everyone to vote  
18      in the negative.

19                   We got elected to make decisions,  
20      not to give away that authority to the federal  
21      government, and I interpret a vote for this bill  
22      as doing exactly that.

23                   ACTING PRESIDENT PADAVAN:

1 Senator Stachowski.

2 SENATOR STACHOWSKI: Would  
3 Senator Gold yield for a question?

4 SENATOR GOLD: That's easy.

5 SENATOR STACHOWSKI: Do you mean  
6 if we had this rule -- this law passed quite a  
7 few years back, that we would have never done  
8 Senator Dunne's acid rain legislation that had  
9 been the hallmark of acid rain legislation  
10 throughout the country?

11 SENATOR GOLD: You know, I think  
12 you're right.

13 SENATOR STACHOWSKI: I'm just  
14 trying to make sure I have that right.

15 Thank you.

16 SENATOR GOLD: I would ask that  
17 my counsel put that in my notes for next year's  
18 debate.

19 ACTING PRESIDENT PADAVAN:  
20 Senator Dollinger.

21 SENATOR DOLLINGER: Would Senator  
22 Gold yield to one other question?

23 As I understand, Senator Gold,

1       this would be accepting mandates from the  
2       federal government that we wouldn't be able to  
3       overturn so we would be one of the first -- I  
4       would have to say we would be one of the first  
5       governments that allows the federal government,  
6       a higher level of government, to mandate what  
7       our regulations ought to be.

8                        SENATOR GOLD: Well, Senator, not  
9       only correct, but I think it's fascinating,  
10      because so often I hear about the interference  
11      of the federal government with local governments  
12      and how often do I hear people, particularly on  
13      the other side of the aisle, tell me that those  
14      people down in Washington just don't understand  
15      us.

16                       I think there's also a  
17      constitutional question involved as to whether  
18      we can legislate by referring to state law, but  
19      as a very distinguished colleague of ours -- I  
20      won't mention Senator Babbush by name -- says,  
21      what's the Constitution between friends? So I  
22      know there's no sympathy for a constitutional  
23      argument here, but but I would urge a "no" vote.

1                   ACTING PRESIDENT PADAVAN:  Would  
2                   the negatives please raise their hands.  Did we  
3                   read the last section?

4                   Read the last section first.

5                   THE SECRETARY:  Section 2.  This  
6                   act shall take effect the first day of October.

7                   ACTING PRESIDENT PADAVAN:  Call  
8                   the roll.

9                   (The Secretary called the roll.)

10                  THE SECRETARY:  Those recorded in  
11                  the negative on Calendar Number 27 are Senators  
12                  Babbush, Connor, Dollinger, Espada, Galiber,  
13                  Gold, Kruger, Markowitz, Ohrenstein, Onorato,  
14                  Oppenheimer, Santiago, Smith, Solomon,  
15                  Stachowski and Stavisky.  Ayes 38, nays 16.

16                  ACTING PRESIDENT PADAVAN:  The  
17                  bill is passed.

18                  Senator Present.

19                  SENATOR PRESENT:  Would you  
20                  recognize Senator Espada, please.

21                  ACTING PRESIDENT PADAVAN:  
22                  Senator Espada.

23                  SENATOR ESPADA:  Thank you, Mr.

1 President.

2 I would like to be recorded in  
3 the negative on Calendar Number 231, please.

4 ACTING PRESIDENT PADAVAN: So  
5 ordered.

6 SENATOR ESPADA: Thank you.

7 ACTING PRESIDENT PADAVAN:  
8 Senator Tully.

9 SENATOR TULLY: Yes, Mr.  
10 President. On February 15th, there was a slow  
11 roll call on Calendar Number 164, Senate Bill  
12 1942, by Senator Larkin. If I had been in the  
13 chamber at the time of the vote, I would have  
14 voted in the affirmative on Calendar Number 164.

15 ACTING PRESIDENT PADAVAN: The  
16 record will so indicate.

17 Next bill.

18 THE SECRETARY: Calendar Number  
19 103, by Senator Stafford, Senate Bill Number  
20 6384, an act to amend the Tax Law, in relation  
21 to sales tax imposed on the furnishing or  
22 provision of certain entertainment or  
23 information services.

1                   SENATOR DOLLINGER:  Explanation.

2                   ACTING PRESIDENT PADAVAN:

3                   Explanation has been requested.

4                   SENATOR STAFFORD:  Mr. President,  
5                   this legislation, in effect, amends pursuant to  
6                   the wishes of the Tax Department.

7                   This tax legislation which -- is  
8                   concerned with the 900 numbers.  What happened  
9                   when we passed legislation trying to make some  
10                  restrictions, so to speak, on certain calls, we,  
11                  in effect, as said by the Tax Department,  
12                  covered many other areas that we did not mean to  
13                  cover.  So that's what the bill is.

14                  ACTING PRESIDENT PADAVAN:

15                  Senator Dollinger.

16                  SENATOR DOLLINGER:  Mr.  
17                  President, I believe there's an amendment at the  
18                  desk.

19                  ACTING PRESIDENT PADAVAN:  The  
20                  amendment is at the desk.

21                  Senator Present.

22                  SENATOR PRESENT:  Mr. President,  
23                  I would like to make a point of order again that

1 Senator Dollinger's amendment to Senator  
2 Stafford's bill is out of order since it  
3 violates Rule VI, Section 4(b), that it is not  
4 germane to the original object or purpose of  
5 Senator Stafford's bill.

6 Senator Stafford's bill only  
7 clarifies existing law by correcting an  
8 erroneous interpretation by the Tax  
9 Commissioner. The Tax Commissioner currently  
10 interprets the existing law consistent with the  
11 new language. It does not change the Tax Law  
12 and it has no fiscal impact. Therefore, I ask  
13 that you rule Senator Dollinger's amendment out  
14 of order.

15 ACTING PRESIDENT PADAVAN: The  
16 explanation provided by Deputy Majority Leader  
17 is correct. The Chair rules that this amendment  
18 is out of order by virtue of Rule VI, Section  
19 4(b), in that it is not germane.

20 SENATOR DOLLINGER: Mr.  
21 President, may I appeal the ruling of the Chair  
22 and be heard on the issue?

23 ACTING PRESIDENT PADAVAN:

1 Senator Dollinger appeals the ruling of the  
2 Chair and is recognized.

3 SENATOR DOLLINGER: Mr.  
4 President, I think that this amendment is  
5 germane. This is an amendment which  
6 incorporates the provisions of a bill that I  
7 have introduced in this house that would require  
8 that a public hearing be held before the Ways  
9 and Means Committee and the Senate Finance  
10 Committee prior to the imposition of any tax  
11 that would raise more than \$1 million in  
12 revenue. What it would be designed to do, Mr.  
13 President, by way of germaneness, is to attack  
14 the exact problem we ran into here.

15 When we passed the the budget  
16 bill under the heat of the budget debate, we  
17 didn't look at the fact that by extending it to  
18 900 numbers, which we thought would simply  
19 extend it to all those pornographic services,  
20 that we could easily tax and no one would  
21 protest. Instead, we found out it interlinked  
22 with the communications network and threatened  
23 the superhighway -- the super information

1 highway that we want to foster here in the state  
2 of New York.

3 What this bill would do is  
4 correct the problem while we have to approve  
5 Senator Stafford's bill; that is, we would avoid  
6 the problem of doing something on a hasty basis  
7 that we later regret and have to correct.

8 From my point of view, Mr.  
9 President, nothing could be more germane than to  
10 cure through this bill the problem that causes  
11 us to do Senator Stafford's bill.

12 I don't believe the amendment is  
13 out of order. I believe it is germane. It's  
14 germane to the way we do business when we're  
15 raising people's taxes and taking money out of  
16 the pockets of the people of this state. We  
17 should at least give them a chance to have a  
18 hearing and a month's delay before the bill -  
19 before the tax takes effect. It seems to me  
20 that's a reasonable and prudent thing to do.  
21 Every taxpayer in this state should support it,  
22 and I think it is germane and should be a part  
23 of the bill.

1 I would ask all my colleagues to  
2 vote to overturn the ruling of the Chair so this  
3 amendment can be considered.

4 ACTING PRESIDENT PADAVAN: Ruling  
5 that the amendment is not germane, those wishing  
6 to sustain the ruling of the chair will so  
7 signify by saying aye.

8 (Response of "Aye".)

9 Those opposed signify by saying  
10 nay.

11 (Response of "Nay".)

12 Ruling of the Chair is sustained.

13 Continue the calendar.

14 Read the last section of the bill  
15 first.

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

18 ACTING PRESIDENT PADAVAN: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PADAVAN: Would  
22 the negatives please put up their hands.

23 THE SECRETARY: Ayes 55, nays 1,

1 Senator Dollinger recorded in the negative.

2 ACTING PRESIDENT PADAVAN: The  
3 bill is passed.

4 THE SECRETARY: On page 5,  
5 Calendar Number 130, by Senator Stafford, Senate  
6 Bill Number 438, Real Property Tax Law.

7 ACTING PRESIDENT PADAVAN: Read  
8 the last section.

9 SENATOR GOLD: Explanation.

10 ACTING PRESIDENT PADAVAN:  
11 Explanation is requested. Senator Stafford.

12 SENATOR STAFFORD: Mr. President,  
13 we have discussed this bill in past years. As I  
14 think probably almost everyone realizes, we have  
15 a program or programs here in the state whereby  
16 people or corporations can own forest lands and  
17 they are able to get tax exemptions.

18 This makes it possible for us to  
19 have our tax -- have our wood products industry  
20 that's very, very important and it also keeps  
21 our forest lands.

22 This bill would provide full  
23 state reimbursement to local taxing

1 jurisdictions for any tax revenue losses brought  
2 about by these tax exemptions.

3 SENATOR GOLD: Mr. President.

4 ACTING PRESIDENT PADAVAN: I  
5 think Senator Oppenheimer had the -

6 SENATOR GOLD: Yes, I'm sorry.

7 SENATOR OPPENHEIMER: The EPL  
8 strongly opposes this bill, and the reasons for  
9 it seem logical. They're not actually opposed  
10 to the concept in the bill. What they are  
11 opposed to is that this is coming prior to a  
12 study that's being done that's going to look at  
13 all lands in a comprehensive fashion in the  
14 state of New York and look to those areas that  
15 will perhaps qualify for this but they feel that  
16 it is premature for this to be here before their  
17 total evaluation of all lands in the state.

18 ACTING PRESIDENT PADAVAN:  
19 Senator Gold.

20 SENATOR GOLD: No, no. I -

21 ACTING PRESIDENT PADAVAN: Read  
22 the last section.

23 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT PADAVAN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PADAVAN:  
6 Results.

7 THE SECRETARY: Ayes 54, nays 2.  
8 Senators Oppenheimer and Stachowski recorded in  
9 the negative.

10 ACTING PRESIDENT PADAVAN: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 154, by Senator LaValle.

14 SENATOR LaVALLE: Lay it aside.

15 ACTING PRESIDENT PADAVAN: Lay  
16 the bill aside at the request of the sponsor.

17 THE SECRETARY: Calendar Number  
18 163, by Senator Stafford, Senate Bill Number  
19 433, an act to amend the Highway Law, in  
20 relation to abandonment of certain town  
21 highways.

22 SENATOR GOLD: Explanation.

23 ACTING PRESIDENT PADAVAN:

1 Explanation is requested.

2 SENATOR STAFFORD: From year to  
3 year, it changes. My good friend, Senator Gold,  
4 last year, you just read off the negatives.

5 SENATOR GOLD: Mr. President.

6 ACTING PRESIDENT PADAVAN:  
7 Senator Gold.

8 SENATOR GOLD: Yes, with great  
9 respect for Senator Stafford and my failing  
10 memory, why don't I do that. I just -- and,  
11 Senator, next year I'll remember to do this.

12 I guess this is one we have  
13 debated quite a lot. It's opposed by the  
14 Adirondack Council and DEC strongly, and in the  
15 negative were Senators Dollinger and Espada and  
16 myself, the Housing's -- our Senator Halperin,  
17 Senator Jones, Leichter, Montgomery, Ohrenstein,  
18 Oppenheimer and Senator Sheffer, voted in the  
19 negative on this, and I know that, based upon  
20 that history, that we will pick up -- I know  
21 Senator Nozzolio is smiling at me with his  
22 support.

23 Last section.

1                   ACTING PRESIDENT PADAVAN: Read  
2                   the last section.

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

5                   ACTING PRESIDENT PADAVAN: Call  
6                   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT PADAVAN:  
9                   Results.

10                  Senator Oppenheimer.

11                  SENATOR OPPENHEIMER: I just want  
12                  to -

13                  ACTING PRESIDENT PADAVAN: You're  
14                  on the roll call.

15                  SENATOR OPPENHEIMER: -- in  
16                  explaining my negative vote, I want to mention  
17                  that there is a regular review process when  
18                  roads are closed that has been established for  
19                  -- for many years, and this is going -  
20                  circumventing the rules and regulations of the  
21                  department which do exist.

22                  There's plenty of opportunity for  
23                  public hearing if a road is to be closed, so I

1 don't want people to think that this can't  
2 occur. There just is a regular process for it  
3 to occur and, by voting against this, you are  
4 approving the process of our government.

5 Thank you.

6 ACTING PRESIDENT PDAVAN:

7 Results.

8 THE SECRETARY: Those recorded in  
9 the negative on Calendar Number 163 are Senators  
10 Dollinger, Espada, Galiber, Gold, Jones, Kruger,  
11 Montgomery, Nanula, Ohrenstein, Oppenheimer and  
12 Smith. Ayes 46, nays 11.

13 ACTING PRESIDENT PDAVAN: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 168, by Senator Levy -

17 ACTING PRESIDENT PDAVAN:  
18 Explanation.

19 SENATOR GOLD: Excuse me.  
20 Recognize Senator Mendez.

21 ACTING PRESIDENT PDAVAN:  
22 Senator Mendez.

23 SENATOR MENDEZ: Thank you.

1 Mr. President, I would like to be  
2 recorded in the negative on Calendar Number 27.

3 ACTING PRESIDENT PADAVAN: 27?

4 SENATOR MENDEZ: That's 27. Yes,  
5 27.

6 ACTING PRESIDENT PADAVAN: So  
7 ordered.

8 THE SECRETARY: Calendar Number  
9 169, by Senator Holland, Senate Bill Number  
10 6312, Public Authorities Law.

11 ACTING PRESIDENT PADAVAN:  
12 Senator Holland, explanation has been requested.

13 SENATOR HOLLAND: Simply, the  
14 bill says, instead of collecting tolls in two  
15 directions at the Spring Valley toll barrier,  
16 they will just be collected in one direction, as  
17 is done in many locations already.

18 SENATOR GOLD: All right.  
19 Senator -- will the Senator yield to a  
20 question?

21 SENATOR HOLLAND: Yes.

22 SENATOR GOLD: Senator, I do not  
23 pretend in any way to be a traffic expert and I

1       rely very heavily, as you do, on Senator Daly,  
2       but, Senator, there's a memo in opposition by  
3       the State Thruway Authority, and I gather that  
4       while these one-way tolls are in effect in  
5       certain places, they oppose it here. Have you  
6       read their memo?

7                    SENATOR HOLLAND: Yes, I have.

8                    SENATOR GOLD: Senator, if we  
9       were to pass it in this house, I mean, is there  
10      any reality that this would occur?

11                   SENATOR HOLLAND: I think it's  
12      going to occur anyway, Senator. The chairman  
13      called me after I introduced the bill and he  
14      said to me he thought it was a good idea. They  
15      were going to do a quick study. At that point,  
16      he did not say he would oppose the bill. I  
17      expect that they will find it will save them  
18      money and save our people time and that they  
19      will do it anyway.

20                    The only reason that they, as you  
21      know, object to it is because of the Public  
22      Authorities Law, which says that we should -  
23      let me see if I can read it to you. "The state

1 will not limit or alter the rights hereby vested  
2 in the Authority to establish and collect such  
3 fees and rentals and charges as may be  
4 convenient and necessary to produce sufficient  
5 revenue -- sufficient revenue," they say here,  
6 "to meet the expenses of maintenance and  
7 operation."

8 The Thruway Authority makes  
9 sufficient revenue to clear their expenses and  
10 makes \$162 million in net profits, so I don't  
11 think this meets their requirements.

12 SENATOR GOLD: Senator, would you  
13 yield to one last question?

14 SENATOR HOLLAND: Yes.

15 SENATOR GOLD: I agree with you  
16 that, in reading their memo, they say, in fact,  
17 it's something they may do, so there may be  
18 merit to it, but they're just saying, basically  
19 it's their responsibility under the statute, and  
20 they have a study going and we're acting  
21 prematurely. Is there merit to that?

22 SENATOR HOLLAND: I think so. I  
23 think we should do it anyway. That's why I

1 continued to push the bill, and if they do it in  
2 the meantime, it is done, and the bill -- I will  
3 withdraw the bill.

4 SENATOR GOLD: I just point out  
5 to the house that there is that opposition and,  
6 Senator Oppenheimer, you have a -

7 SENATOR OPPENHEIMER: Senator  
8 Holland, would you yield for a question?

9 SENATOR HOLLAND: Yes, ma'am.

10 SENATOR OPPENHEIMER: This toll  
11 would just be a one-way toll?

12 SENATOR HOLLAND: Yes.

13 SENATOR OPPENHEIMER: I mean, I  
14 was going to support this because -- I think I  
15 had a misunderstanding. You're just talking  
16 about collecting the amount that is now charged  
17 going one direction?

18 SENATOR HOLLAND: That's  
19 correct. That's all, Senator.

20 SENATOR OPPENHEIMER: Oh. Well,  
21 on the bill. I'm normally very supportive of  
22 one-way toll collections but that's because, in  
23 my county, what we have been doing is doubling

1 the toll and then only paying one direction to  
2 permit flow of traffic and to, you know, contain  
3 some of the exhaust fumes which you get when  
4 cars slow down.

5 SENATOR HOLLAND: In your  
6 question, did you mean that we weren't going to  
7 double the toll? They are going to double the  
8 toll.

9 SENATOR GOLD: They are going to  
10 double the toll.

11 SENATOR OPPENHEIMER: Then I'm  
12 supportive.

13 Thank you.

14 ACTING PRESIDENT PADAVAN: Read  
15 the last section.

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

18 ACTING PRESIDENT PADAVAN: Call  
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 57.

22 ACTING PRESIDENT PADAVAN: The  
23 bill is passed.

1 THE SECRETARY: Calendar Number  
2 170, by Senator Holland, Senate Bill Number  
3 6335-A, an act to amend the Public Authorities  
4 Law.

5 ACTING PRESIDENT PADAVAN: Read  
6 the last section.

7 SENATOR GOLD: Is this 170?

8 ACTING PRESIDENT PADAVAN:  
9 Calendar Number 170.

10 SENATOR GOLD: Explanation.

11 ACTING PRESIDENT PADAVAN:  
12 Explanation. Senator Holland.

13 SENATOR HOLLAND: Basically it  
14 says that if there are four people or more in a  
15 car crossing the Tappan Zee Bridge, that there  
16 should be no toll -- Malcolm Wilson Bridge,  
17 that's correct, the Malcolm Wilson Bridge.

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

20 SENATOR HOLLAND: Yes, sir.

21 SENATOR GOLD: What is the loss  
22 of revenue on this one?

23 SENATOR HOLLAND: I think it's

1 very, very limited but regardless of what the  
2 loss of revenue is, this is -- will meet the  
3 clean air requirements -- help us meet the clean  
4 air requirements that are being imposed by the  
5 federal government upon us this time by  
6 reducing, hopefully, the number of cars across  
7 the bridge.

8 As you know, right now, if there  
9 are three passengers in a car, it only costs 50  
10 cents to cross the bridge. I would like to  
11 encourage more people to get in cars and less  
12 cars go across the bridge, less commuters in the  
13 morning, by doing this.

14 SENATOR GOLD: Mr. President,  
15 would the Senator yield to a question?

16 ACTING PRESIDENT PADAVAN: Would  
17 the Senator yield to a question?

18 SENATOR HOLLAND: Yes.

19 SENATOR GOLD: Senator Holland, I  
20 understand your concern and you have been  
21 discussing the merits of the bill, and I don't  
22 want to cloud the argument, but in all fairness,  
23 all right -- and we are discussing a budget

1       these days and the major concern, I think for  
2       most of us right now, until we get through the  
3       end of the fiscal year's budget, I believe and  
4       I'll yield to Senator Present and his counsel on  
5       this, I believe we need a fiscal note.

6                 There's no fiscal note on this  
7       bill or with the bill, Senator Holland, and I  
8       appreciate the fact that many of the fiscal  
9       notes we get are totally inaccurate and don't  
10      always help, but in all fairness, there should  
11      be something, and I would respectfully ask that  
12      maybe you want to lay the bill aside a day and  
13      just look into it because, as I said, there's  
14      none on the bill itself, and the only memo I  
15      have says fiscal implications to be determined  
16      which it certainly is not a fiscal note.

17                 SENATOR HOLLAND:    Senator,  
18      actually when 287 comes in, 287 is the new  
19      belt-way around the city of New York, that comes  
20      in to the Thruway at Suffern and brings all of  
21      that traffic up from Jersey which will divide  
22      and go north to Stewart Airfield and the  
23      Newburgh Bridge and come across the Tappan Zee

1 Bridge.

2 Our revenue -- The Thruway's  
3 revenue is going to increase greatly at that  
4 point, so there will be no loss in revenue.  
5 There actually will be a great gain in revenue.

6 SENATOR GOLD: Senator, if you  
7 would yield to a question. I know 287, Senator,  
8 and I'm down in that area a lot. I use those  
9 roads. That's not what I'm saying.

10 I really believe that the bill  
11 requires a fiscal note, and I just think it's -  
12 at this early in the session, we can do things  
13 right and -

14 SENATOR HOLLAND: Let me just -  
15 let me just check this. You tell me if I'm  
16 right. This is not -- no impact on state  
17 revenues, because this is an authority, so is a  
18 fiscal note required?

19 SENATOR GOLD: Well, Senator, I  
20 don't think that it -- I'm not going to force  
21 you to lay it over and I'm not going to raise  
22 issues and go through votes and challenge the  
23 Chair.

1 I think there ought to be a  
2 fiscal note. It does, in my opinion, affect the  
3 revenues of the Thruway, and I would prefer  
4 there is such a note.

5 At any rate, I point out that  
6 there is a memo in opposition, and here again,  
7 if you want to make a statement to the Thruway  
8 Authority, I guess you can pass it. You've got  
9 a majority and we can make the statement, but I  
10 think it's a strange way to negotiate.

11 ACTING PRESIDENT PADAVAN: Read  
12 the last section.

13 THE SECRETARY: Section 2. This  
14 act shall take effect on the first day of  
15 January next succeeding the date on which it  
16 shall have become a law.

17 ACTING PRESIDENT PADAVAN: Call  
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 55, nays 2.  
21 Senators Galiber and Gold recorded in the  
22 negative.

23 ACTING PRESIDENT PADAVAN: The

1 bill is passed.

2 Senator Kuhl.

3 SENATOR KUHL: Yes, Mr.

4 President. On behalf of Senator Levy, would you  
5 place a sponsor's star on Calendar Number 175,  
6 Senate Print 471.

7 ACTING PRESIDENT PADAVAN: Star  
8 placed on that calendar.

9 SENATOR KUHL: Thank you.

10 ACTING PRESIDENT PADAVAN:

11 Senator Montgomery.

12 SENATOR MONTGOMERY: Yes, Mr.

13 President. I would like unanimous consent to be  
14 recorded in the negative on Calendar Number 189.

15 ACTING PRESIDENT PADAVAN: So  
16 ordered.

17 SENATOR MONTGOMERY: Thank you.

18 ACTING PRESIDENT PADAVAN: Next  
19 bill.

20 THE SECRETARY: Calendar Number  
21 197, by Senator LaValle, Senate Bill Number 577,  
22 Correction Law, in relation to eligible inmates  
23 for temporary release programs.

1                   ACTING PRESIDENT PADAVAN: Read  
2 the last section.

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

5                   SENATOR GALIBER: Explanation.

6                   ACTING PRESIDENT PADAVAN:  
7 Explanation is requested. Senator LaValle.

8                   SENATOR LaVALLE: Senator  
9 Galiber, currently the Corrections Law precludes  
10 individuals that have been convicted of escape  
11 and absconding offenses from participating in  
12 work release programs, and what we are doing is  
13 adding bail jumping to that list that would  
14 preclude an individual from the privilege of  
15 being in a work release program by adding this.

16                   It seems to make logical sense  
17 where someone who has a record before they reach  
18 our corrections facilities. Actually we do not  
19 have that in the law to preclude them from being  
20 in a work release program.

21                   As you know, Senator, I mean, we  
22 are having enormous, enormous problems with  
23 individuals who are already in our work release

1 programs.

2 I have an article here from  
3 Senator Marchi's Newspaper, the Staten Island  
4 Advance. It talks about -- I'll just read you  
5 just a little bit here to give you a flavor.

6 "More than a thousand inmates  
7 assigned to work release programs have fled the  
8 state prison system and remain at large,  
9 officials said yesterday. Last year, 4,930 of  
10 the more than 24,000 inmates who participated in  
11 work release programs abused the privilege by  
12 not reporting on time to correction facilities."

13 That means about one of six  
14 prisoners in the program was absent without  
15 leave at any given time, and then the article  
16 goes on and cites a lot of statistics about all  
17 the problems that we are having.

18 So I think it makes really good  
19 sense to -- to have, in statute, as one of the  
20 conditions that would preclude an individual  
21 from being involved in a work release program,  
22 if they have been involved in bail jumping.

23 ACTING PRESIDENT PADAVAN:

1 Senator Galiber.

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

4 SENATOR LaVALLE: Yeah.

5 SENATOR GALIBER: Senator, do you  
6 recall what the criteria for work release in the  
7 past to legislation from years ago? To be more  
8 specific, perhaps, what were the crimes that we  
9 were not able to include in the work release; in  
10 other words, those persons we came up with a  
11 notion, in order to get it passed politically,  
12 there were certain crimes, outside of A-1  
13 felonies, that you would not and could not be  
14 eligible for youthful offender, and I think it  
15 was based on the seriousness of the charge. Do  
16 you recall that?

17 SENATOR LaVALLE: Yes.

18 SENATOR GALIBER: I know that  
19 certainly murder would be one, rape for sure,  
20 and a couple other serious categories.

21 SENATOR LaVALLE: M-m h-m-m.

22 SENATOR GALIBER: My trouble,  
23 Senator, with this piece of legislation is what

1       you are suggesting where politically we were  
2       able to get it passed only because it made sense  
3       for a very serious category.  What you're saying  
4       in this piece of legislation, that if you are  
5       convicted of bail jumping prior to going into  
6       the prison, then you are excluded from being  
7       eligible for work release down the line.  I  
8       don't think absconding should be put in the same  
9       category as those being put -- initially put in  
10      murder, rape, with exclusionary factors  
11      involved.

12                    What I think is happening here,  
13      you are transferring over those persons who,  
14      with the privilege, as you put it, are now on  
15      work release, who are there in some instances  
16      because of another factor, and that is that we  
17      misuse work release by trying to empty out our  
18      institutions so that we can make room for more,  
19      but this is a situation where bail jumping, in  
20      reality, comes about as a result of sometimes a  
21      plea bargain, where they use the bail jumping as  
22      a driver to get you in a position where you will  
23      then plead to another charge.  But basically, it

1 does not have that kind of seriousness attached  
2 to it if you take it in the context of being an  
3 exclusionary factor to preclude people from ever  
4 being eligible if they're convicted and sent to  
5 our state institutions. That's what troubles  
6 me.

7 SENATOR LaVALLE: Senator, I  
8 think I followed you in terms of the seriousness  
9 when the statute was put into place with the  
10 violent felonies, but what we were trying to do,  
11 both Assemblyman Feldman and myself who is the  
12 Assembly sponsor of this measure, was to carry  
13 it to some sort of -- to a rational conclusion,  
14 the premise in just the sentence before this  
15 which we are amending, that the law currently  
16 reads, "No person convicted of any escape or  
17 absconding offense," all right, and then what  
18 we're carrying to a conclusion and we're saying,  
19 "and also, for bail jumping" because we're  
20 trying to, I think, I mean, unless I'm missing  
21 something -

22 SENATOR GALIBER: I think you  
23 are.

1                   SENATOR LaVALLE:   Okay.   Well -

2                   SENATOR GALIBER:   I think you  
3           are, Senator.   What it is that you are  
4           transferring a non-transferable matter.   You're  
5           taking the notion of absconding and escape from  
6           those who are on work release, to say that if  
7           you happen to be bail jumping on the charge that  
8           we have before us, that you, therefore, are  
9           excluded because you are building into the bail  
10          jumping, a pattern that if they were released  
11          then, of course, they would then abscond or  
12          what, and that is not fair, not right.   That's  
13          not the essence of the bill.

14                   SENATOR LaVALLE:   Okay.   That is  
15          the -- that is the -- I think you put in the  
16          premise we are basing this on, I think very  
17          accurately, and I think we just have a  
18          difference here, of whether our premise is, in  
19          your view, logical or not, or in both  
20          Assemblyman Feldman's mind and mine.   We do  
21          build a connection in attitude, if a person is  
22          to bail jump then it is very possible that it  
23          can lead to other kinds of things, and I think

1 we just come at this in a different way.

2 SENATOR GALIBER: Senator, I may  
3 be wrong on this, your advisers and mine could  
4 tell me otherwise. Senator, are you aware of  
5 the fact that if I'm not -- whether the time  
6 span or not, but if you do not show up in a  
7 Supreme Court for a felony, and I think there's  
8 a time span involved, I'm not sure, but if I'm  
9 not, then you can be charged after, I think 30  
10 days. I think that's what it is, 30 days. Then  
11 you could be charged with bail jumping. Bail  
12 jumping, from a practical standpoint by itself,  
13 is never prosecuted.

14 ACTING PRESIDENT PADAVAN:  
15 Senator Galiber, would you address the Chair.

16 SENATOR GALIBER: Yes. I'm  
17 sorry, Mr. President. It's just the awkward -  
18 it's just this new seat that I have. I have  
19 been used to -

20 ACTING PRESIDENT PADAVAN: It's  
21 okay. Senator LaValle, would you yield to the  
22 question?

23 SENATOR LaVALLE: Was it a

1 question or was it a statement?

2 SENATOR GALIBER: It was a  
3 statement. Well, let me ask you a question so  
4 you can respond to it. Senator, how long do you  
5 have to be away from the case in order for you  
6 to be charged or the people to have the  
7 responsibility of the charge of bail jumping, if  
8 you know?

9 SENATOR LaVALLE: Senator, I'm  
10 not absolutely sure, but I think we take care of  
11 your concerns, in the definition under Sections  
12 215.55, .56 and .57, and I think what -- I think  
13 we deal with that in those sections of law, so  
14 as not to treat the time away as what you are  
15 inferring, as a -- as a more casual lapse and  
16 then a person who has a bail jumping, therefore,  
17 is precluded from a work release program.  
18 That's what you're saying to me, aren't you?

19 SENATOR GALIBER: Basically -  
20 I'll sum up on it because you and I differ on  
21 it.

22 Mr. President, thank you for your  
23 patience. This piece of legislation -- and I

1 understand where my colleague is coming from,  
2 but it's just another situation where we are  
3 adding on to the pile, if you will, something  
4 that was never intended for work release.

5 We passed the work release bill  
6 some years ago, and the theory behind it was a  
7 simple one, that if you work hard in the prison,  
8 and if you made certain progress, you might very  
9 well be eligible for work release after a  
10 stipulated time or a time to be decided by the  
11 Department of Corrections.

12 We excluded those very serious  
13 crimes, and some of us argued at that time that  
14 even the serious crimes, once someone gets past  
15 a certain number of years, the possibility of  
16 recidivism is not there, but politically we had  
17 to make the change.

18 Now, we add because of your  
19 connection which you and I differ on, there's  
20 where the difference really is, and I say  
21 there's more to the distinction that there  
22 really is a difference, that you are taking  
23 those persons who have been released from -- who

1        were on work release, who are in our community,  
2        and because they have no jobs or they abscond or  
3        we're putting too many of them out there.

4                    Senator, what I would like to see  
5        a piece of legislation I'll vote for -- they've  
6        got some 94-day persons who are only  
7        incarcerated for 94, 95 days, those persons who  
8        are eligible for work release and they're out  
9        there on work release, not the ones you're  
10       talking about, the ones who happen to be hooked  
11       into the situation where bail jumping has been  
12       brought forth as an indictment.

13                   In the bail jumping, they use it  
14       simply, Mr. President, as a kind of vehicle  
15       through which they can get quality pleas for  
16       those persons who are somewhat reluctant, and in  
17       some instances they even bring an indictment.  
18       They don't even ask for an indictment at all.  
19       They hold them in their back pocket. They have  
20       won a case every five or six years since I have  
21       been up here. They've got the indictment or the  
22       possibility of an indictment in the back  
23       pocket.

1                   So, Senator, this is not -- I  
2                   know what you're trying to do, but there's so  
3                   many other areas I'm disturbed about, why our  
4                   corrections department, work release, why they  
5                   have day reporting, because they are double  
6                   bunking, and the whole slew of other things, why  
7                   we can't get some to vote for alternatives to  
8                   incarceration, so we can put some serious people  
9                   -- serious offenders in jail, not to keep those  
10                  who are indicted for absconding in our  
11                  institutions, if they're eligible otherwise for  
12                  work release.

13                  That's why, Mr. President, I  
14                  oppose this piece of legislation. I think I  
15                  certainly know where my colleague is coming  
16                  from. I just don't agree where he's going on  
17                  this issue.

18                  ACTING PRESIDENT PADAVAN: Read  
19                  the last section.

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

22                  ACTING PRESIDENT PADAVAN: Call  
23                  the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 55, nays 2,  
3 Senators Galiber and Montgomery recorded in the  
4 negative.

5 ACTING PRESIDENT PADAVAN: The  
6 bill is passed.

7 Senator Present.

8 SENATOR PRESENT: I believe  
9 Senator Montgomery would like to speak.

10 ACTING PRESIDENT PADAVAN:  
11 Senator Montgomery.

12 SENATOR MONTGOMERY: Yes, Mr.  
13 President. I would like unanimous consent to be  
14 recorded in the negative on Calendar 27, Number  
15 27.

16 ACTING PRESIDENT PADAVAN:  
17 Calendar Number 27, so directed.

18 SENATOR MONTGOMERY: Thank you.

19 SENATOR PRESENT: Any other  
20 housekeeping?

21 ACTING PRESIDENT PADAVAN: I do  
22 not believe so, Senator.

23 SENATOR PRESENT: Mr. President,

1           there being no further business, I move we  
2           adjourn until tomorrow at 3:00 p.m.

3                           ACTING PRESIDENT PADAVAN: The  
4           Senate is adjourned.

5                           (Whereupon, at 5:12 p.m., the  
6           Senate adjourned.)

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