ALBANY, NEW YORK

June 22, 1994

12:14 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: Senate will come to order. Ask members to rise and ask guests in the gallery to rise and join me in saying the pledge of allegiance to the American flag.

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

We're very pleased to be joined by a constituent of Senator Oppenheimer's, the Rabbi Douglas Kranz from the Congregation B'Nai Yisrael from Armonk, New York.

Rabbi Kranz.

RABBI DOUGLAS KRANZ: Sovereign of the Universe. We gather here with noble purpose. Here within these walls the fate of people is decided. Here in this hall, words are spoken and decisions are made which will determine the future of our children.

Here we gather with those who sail the ship of state. I suspect every member of the clergy uses those words from time to time, but it seems to me that they are important

words. What should be said to those who are sailors on the ship, the course of which determines our destiny?

We might suggest that like sailors of old time, sometimes those who are on the vessel become focused on the skirmishes which take place on the deck. Here, where life is lived on the deck, too many pander to the politics of pollsters. Here on the deck, too many are engaged in the pursuit of power.

We are so human, all of us, we forget to look to the horizon to watch for the shoals, the sandbars, the rocks, the dangers, that might wreck the ship which we sail together.

Too many speak about truths and budgetary realities, or so it seems to me, when we suffer, instead, from a spiritual crisis in our society. In my religious tradition, we say "Hear, O Israel, the Lord is our God, the Lord is one."

Just as God is one, so too all people are one; yet we do not live that way

today. Today, that oneness is divided, white against black, city against suburb, rich against poor.

The spiritual blight of our society is characterize by roles of prejudice and hatred and fear and anger as strong and as profound as any that could ever be built with bricks and mortar. These divisions mar the dignity of God which created every human being as one.

These are not matters of budgets. These are maladies of the spirit. Even today in New York City, the hungry and the homeless, the AIDS infected and the mentally infirmed were banished from the street corners because we can not bear to look upon them. Shame on us, because they are God's children. God's children suffer, and we dare not avert our eyes.

So the prayer is that we might all of us cast aside the politics of power and seek to break down the divisions that have come to separate one from the other. Is that not the

hope of all of us being here together today? Is that not our prayer, that those who labor here at last do God's work?

Let us together break down the barriers that divide human beings. Let us together, shoulder to shoulder, set aside the divisions of that which was meant to be one, the creation in which God's children might flourish.

That that be our hope and our prayer as together we say amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 21. The Senate met pursuant to adjournment. Senator Spano in the chair upon designation of the Temporary President. Prayer by Rabbi Robert A. Rothman of Rye, New York. The Journal of Monday, June 20, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communication and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. On behalf yourself, Senator Kuhl, Mr. President, I wish to call up his bill, Senate Print 3718A, which was recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Kuhl, Senate Bill Number 3718A, an act to amend the Public Officers Law.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 35.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR FARLEY: Mr. President. I now offer the following amendments and I ask the bill retain its place.

ACTING PRESIDENT KUHL: The amendments are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Farley.

SENATOR FARLEY: On behalf of Senator Skelos, Mr. President, please place a sponsor star on Calendar Number 600.

ACTING PRESIDENT KUHL: Sponsor star is placed on Calendar Number 600.

SENATOR FARLEY: On behalf of Senator Daly, on page 4, I offer the following amendments to Calendar 261, Senate Print 4583C, and I ask that that bill retain its place.

ACTING PRESIDENT KUHL:

Amendments received and adopted. The bill will retain its place on the Third Reading Calendar.

SENATOR TRUNZO: Mr. President.

ACTING PRESIDENT KUHL: Senator Trunzo.

SENATOR TRUNZO: Will you please place a sponsor star on Calendar Number 1279.

ACTING PRESIDENT KUHL: Sponsor star is placed on Calendar Number 1279.

Senator Present, we have some substitutions we would like to read.

Secretary will read the substitutions.

THE SECRETARY: On page 30 of today's calendar, Senator Skelos moves to discharge the Committee on Local Government from Assembly Bill Number 4939B and substitute it for the identical Third Reading 1265.

On page 31, Senator Skelos moves to discharge the Committee on Rules from Assembly Bill Number 9235B and substitute it for the identical Third Reading 1268.

Senator Saland moves to discharge

the Committee on Finance from Assembly Bill Number 10191 and substitute it for the identical Third Reading 1271.

On page 32, Senator Rath moves to discharge the Committee on Rules from Assembly Bill Number 9847A and substitute it for the identical Third Reading 1273.

On page 32, Senator Kuhl moves to discharge the Committee on Rules from Assembly Bill Number 11418 and substitute it for the identical Third Reading 1275.

On page 32, Senator Padavan moves to discharge the Committee on Finance from Assembly Bill Number 9354 and substitute it for the identical Third Reading 1276.

On page 32, Senator Johnson moves to discharge the Committee on Finance from Assembly Bill Number 10699 and substitute it for the identical Third Reading 1278.

On page 33, Senator Babbush moves to discharge the Committee on Rules from Assembly Bill Number 11542 and substitute it for the identical Third Reading 1284.

ACTING PRESIDENT KUHL:
Substitutions are ordered.
Senator Padavan.
SENATOR PADAVAN: I have a privileged resolution at the desk, Mr. President.
ACTING PRESIDENT KUHL: There is a privileged resolution at the desk. Secretary will read the title.
THE SECRETARY: Legislative Resolution, by Senator Padavan, honoring Kenneth Auer for distinguished community services upon the occasion of his designation for special honor by the Holy Cross High School community at a testimonial to be held on June 27, 1994.
SENATOR PADAVAN: Move to adopt the resolution.
ACTING PRESIDENT KUHL: Question is on the resolution. All those in favor, signify by saying aye.
(Response of "Aye.")
Opposed, nay.
(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Mr. President. I believe Senator Daly has a privileged resolution at the desk. May we have the title read and have it acted on?

ACTING PRESIDENT KUHL: Secretary will read the privileged resolution by Senator Daly.

THE SECRETARY: Legislative Resolution, by Senators Daly and Nozzolio, commending the Monroe County School Board Association upon the occasion of its 25 years of dedicated service to public education in Monroe County and New York State.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor, signify by saying aye.

SENATOR CONNOR: Excuse me, Mr. President.

ACTING PRESIDENT KUHL: Senator Connor.

SENATOR CONNOR: Mr. President.

I wonder if we could open this up for additional sponsorship if the sponsor would agree.

ACTING PRESIDENT KUHL: Senator Daly is not in the chamber.

Senator Present, what is your wish on that particular matter?

SENATOR PRESENT: Lay it aside until we hear from Senator Daly.

ACTING PRESIDENT KUHL: The resolution will be laid aside temporarily.

Senator Present.

SENATOR PRESENT: Would you recognize Senator Larkin, please.

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: Mr. President. There is a privileged resolution at the desk.

ACTING PRESIDENT KUHL: Secretary will read Senator Larkin's privileged resolution, at least the title of that resolution, at the desk.

THE SECRETARY: Legislative Resolution, by Senator Larkin, commending the

Horizons on the Hudson Magnet School upon the occasion of its designation as a "Blue Ribbon School" by the United States Department of Education.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor, signify by saying aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Mr. President. In behalf of Senator Goodman, I believe he has a privileged resolution at the desk. May we have the title read and have it acted upon.

ACTING PRESIDENT KUHL: There is a privileged resolution by Senator Goodman at the desk.

Secretary will read the title.

THE SECRETARY: Legislative Resolution, by Senator Goodman, honoring the Lennox Hill Neighborhood Association on its

100th Anniversary.

ACTING PRESIDENT KUHL: Question is on the resolution. All those in favor, signify by saying aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Present.

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

ACTING PRESIDENT KUHL: Secretary will read the non-controversial calendar.

THE SECRETARY: On page 7, Calendar Number 379, by Senator Cook, Senate Bill Number 4936A, an act to amend the Education Law, in relation to shared services aid.

ACTING PRESIDENT KUHL: Secretary will read the last section.

Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 381, by Senator Johnson, Senate Bill Number 1898, an act to amend the Executive Law, in relation to parole release of certain inmates.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 429, by Senator Skelos.

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 881, by Senator Solomon, Senate Bill Number 2774, an act to amend the Insurance Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 907, by Senator Levy.

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT KUHL: Lay the

bill aside.

THE SECRETARY: Calendar Number 933, by Senator Oppenheimer, Senate Bill Number 7050, an act to amend the Executive Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1118, by Senator Libous, Senate Bill Number 5056A, an act to amend the Tax Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1164, by Senator Kuhl.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1186, by Senator -

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1213, by Senator Kuhl.

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1243, by Senator Kuhl.

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1247, by Senator Wright.

SENATOR WRIGHT: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1252, by Senator Kuhl.

SENATOR PRESENT: Lay the bill aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1254, by Senator Wright.

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1255, by Senator Rath.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the

bill aside.

THE SECRETARY: Calendar number 1257, by Senator Santiago.

SENATOR CONNOR: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1258, by Senator Daly, Senate Bill Number 623, an act to amend the Public Officers Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1259, by Senator Present, Senate Bill Number 1127, an act to amend the Public Lands Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1260, by Senator Skelos, Senate Bill Number 1155, an act to amend the Penal Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1261, by Senator Larkin.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1262, by Senator Paterson, Senate Bill Number 2241A, authorizing the City of New York to reconvey its interest in certain real property.

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

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1263, by Senator Skelos, Senate Bill Number 3739A, an act to amend the Retirement and Social Security Law.

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

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1264, by Senator Bruno, Senate Bill Number 4186A, an act to amend the Public Authorities Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1265, substituted earlier today, by member of the Assembly Harenberg, Assembly Bill Number 4939A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1266, by Senator Stafford, Senate Bill Number

5387A, an act to amend the Education Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1267, by Senator Kuhl.

SENATOR CONNOR: Lay it aside for Senator Oppenheimer, please.

ACTING PRESIDENT KUHL: The bill is passed? I'm sorry. Lay the bill aside for Senator Oppenheimer.

THE SECRETARY: Calendar Number 1268, substituted earlier today, by member of the Assembly Weisenberg, Assembly Bill Number 9235B, an act to amend the Penal Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1269, by Senator Present, Senate Bill Number 6740, Real Property Tax Law, partial payment of taxes in Chautauqua County.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1270, by Senator Stafford, Senate Bill Number 7076A, an act to amend the Tax Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1271, substituted earlier today, by member of the Assembly Hickey, Assembly Bill Number 10191, payment of special district payment by the state to the Town of Poughkeepsie.

ACTING PRESIDENT KUHL: There's a local fiscal impact note at the desk.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1272, by Senator Daly, Senate Bill Number 7395, an act to amend the Education Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1273, substituted earlier today, by member of the Assembly Connelly, Assembly Bill Number 9847A, an act to amend the Executive Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1274, by Senator Kuhl, Senate Bill Number 7755A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1275, substituted earlier today, by the Assembly Committee on Rules Assembly 11418, an act to amend the Judiciary Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1276, substituted earlier today, by member of the Assembly Feldman, Assembly Bill Number 9354, an act to amend the Executive Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1277, by Senator Libous, Senate Bill Number 7907, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1278, substituted earlier today, by member of the Assembly Harenberg, Assembly Bill Number 10699, an act to amend the Executive Law.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator

Leichter.

SENATOR LEICHTER: Mr. President. Is Calendar 1276 still in the house, please?

ACTING PRESIDENT KUHL: Senator Leichter, the bill still is in the house.

SENATOR LEICHTER: Yes, may I ask that we reconsider the vote by which the bill passed.

ACTING PRESIDENT KUHL: The motion is to reconsider the vote by which the bill passed the house.

The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is before the house.

Senator Leichter.

SENATOR LEICHTER: Could you lay it aside, please.

ACTING PRESIDENT KUHL: Lay the

bill aside.

THE SECRETARY: Calendar Number 1280, by Senator Holland, Senate Bill Number 8091, an act to amend the General Municipal Law.

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

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1281, by Senator Farley, Senate Bill Number 8210, an act to amend the Banking Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1282, by Senator Larkin, Senate Bill Number 8248A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1283, by Senator DeFrancisco, Senate Bill Number 8268, an act to amend the Criminal Procedure

Law.

ACTING PRESIDENT KUHL: Senator LaValle.

SENATOR LAVALLE: Mr. President. Can I ask unanimous -- are we in the middle of -

ACTING PRESIDENT KUHL: Senator, we're in the middle of a roll call.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

Senator LaValle.

SENATOR LAVALLE: May I ask unanimous consent to be recorded in the negative on Calendar Number 1280, please.

ACTING PRESIDENT KUHL: 1280,

Senator LaValle?

It did pass. Senator LaValle will be recorded in the negative on Calendar Number 1280.

Secretary will continue the calendar.

THE SECRETARY: Calendar Number 1284, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11542, State of New York to sell and convey to the City of New York and the City of New York certain public lands.

ACTING PRESIDENT FARLEY: There is a home rule 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 1285, by Senator Lack, Senate Bill Number 8581, Uniform Justice Court 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 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1286, by Senator Wright, Senate Bill Number 8593, amends Chapter 165 of the Laws of 1826.

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 1287, by Senator Rath, Senate Bill Number 8605.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1288, by Senator Tully, Senate Bill Number 5606B, an act to amend the Public Health 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 43. Nays 1. Senator Kuhl recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President. Will you recognize Senator Daly relative to the resolution he has at the desk.

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR DALY: Mr. President. I will be happy to open up my resolution for any co-sponsors.

ACTING PRESIDENT FARLEY: With your permission, Senator Present, we'll read the resolution right now, out of order.

Secretary will read the title of the privileged resolution.

THE SECRETARY: Legislative Resolution, by Senators Daly, Nozzolio and others, commending the Monroe County School Board Association upon the occasion of its 25 years of dedicated service to public education in Monroe County and New York State.

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

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Those who wish to become sponsors, please notify the desk.

Senator Present.

SENATOR PRESENT: Let's use the other procedure. All those will be included as sponsors except those who deny.

ACTING PRESIDENT FARLEY: Everyone will be on the resolution except those who approach the desk.

SENATOR PRESENT: Mr. President. Will you take up the controversial calendar.

ACTING PRESIDENT FARLEY: Secretary will read the controversial.

THE SECRETARY: On page 21, Calendar Number 907, by Senator Levy.

SENATOR GOLD: May we have a day on this?

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Lay it

aside temporarily.

THE SECRETARY: On page 28, Calendar Number 1186, by Senator Libous, Senate Bill Number 7975, Tax Law and the Social Services Law.

SENATOR GOLD: Can we get a day on this, Senator Libous? Senator Galiber wants a day on this.

SENATOR LIBOUS: Yes.

SENATOR GOLD: Thank you.

ACTING PRESIDENT FARLEY: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1213, by Senator Kuhl, Senate Bill Number 4141A, require the New York State and Local Employees Retirement System to accept retirement applications.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation had been asked for.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. This is a bill that would extend to

a single individual who is retired from the Gorham Middlesex Central School eligibility under a three-year credit incentive of the laws of 1984.

Mary Hobart at the time of the eligibility for the three-year credit incentive for early retirement filed an application with the State Retirement Board, which the State Retirement Board says it never received. So she has been denied her eligibility for that early retirement system.

There are not currently any laws that would allow her to gain that early retirement incentive without special legislation which this is, and that's the reason for this bill.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Mr. President. I had my staff prepare an amendment which would take care of these situations. It's an amendment to the Trunzo law. I showed it to

Senator Trunzo, and we are going to hopefully with Senator Trunzo introduce it. Otherwise, I'm going to introduce it myself.

But it would take care of this lady and other people in a general way and get it out of the Legislature. I'm not going to repeat the debate from yesterday, but, Senator Kuhl, I'm going to vote against this as a private bill. If the woman is entitled to help, I hope she will get that through the administration procedure that maybe we can pass into law within the next couple of weeks.

It's the wrong way to do it, as we've said so many times, if we do it on an individual basis.

ACTING PRESIDENT FARLEY: Read the last section.

Senator Dollinger, do you wish to speak?

SENATOR DOLLINGER: One other question.

ACTING PRESIDENT FARLEY: Senator Kuhl, would you yield to a question from Senator

Dollinger.

SENATOR KUHL: Yes, Mr. President. I will yield to Senator Dollinger.

SENATOR DOLLINGER: Senator, is there any long term cost to the pension system of making this change? As you know, yesterday, I think when you were in the chair, I raised the issue with the bill that Senator Cook brought up, where there was a $315,000 additional payout from the retirement system to those individuals.

My question is apart from the $12,000 one-time cost which will be paid by the Gorham Middlesex School District, is there a greater pension benefit or a greater payment that would be required from the system in order to accommodate the needs of this particular applicant?

SENATOR KUHL: Not that I'm aware of Senator Dollinger, not that was not anticipated at the time of the earlier incentive being offered. So there's nothing that this bill would have added to any system that was available that Mary Hobart was entitled to at

the time of her application.

SENATOR DOLLINGER: Thank you, Senator. I concur with Senator Gold's push for getting this out of the political process and the legislative process. I think that's a good idea. I look forward to seeing that amendment and voting in favor of it.

In this case, I'm going to vote in favor of this one and distinguish it from yesterday's vote because yesterday's vote would have required a major additional contribution from the pension system to cover the pension cost. But if this is a $12,000 cost that the Gorham Middlesex School District is willing to pay, and I believe they've agreed to pay, then there is no additional drain on the pension system, and I think it's distinguishable on that basis.

So I'll vote in the affirmative, Mr. President.

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 3. Senators Galiber, Gold and Leichter recorded in the negative.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 1243, by Senator Kuhl, Senate Bill Number 8460, an act in relation to membership in State Police 20-year retirement plan.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for.

Senator Kuhl.

SENATOR KUHL: Lay it aside for the day please.

ACTING PRESIDENT FARLEY: Lay the bill aside for the day.

Senator Dollinger.

SENATOR DOLLINGER: Mr.

President. I would like unanimous consent to change my vote on the most recent bill . On reviewing the bill, even though it's not in the text of the memo, there is an indication it will cost $170,000 in additional funds from the state pension system, which Senator Leichter pointed out to me, which does raise the same problem that was posed by the bill yesterday.

So I would like unanimous consent to change my vote on the immediate prior bill involving the woman from the Gorham Middlesex School system.

ACTING PRESIDENT FARLEY: Without objection, Senator Dollinger will be in the negative on 1213.

THE SECRETARY: Calendar Number 1254, by Senator Wright, Senate Bill Number 8592, an act to amend Chapter 533 of the laws of 1993, amending the Vehicle and Traffic Law.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 1255, by Senator Rath, Senate Bill Number 8604, an act to amend the Executive Law.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1266, by Senator Stafford, Senate Bill Number 5387A, an act to amend the Education Law.

SENATOR GOLD: Hold on one second.

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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1267, by Senator Kuhl, Senate Bill Number 6109B,

an act to amend the General Business Law.

SENATOR OPPENHEIMER:

Explanation, please.

ACTING PRESIDENT FARLEY: There has been a explanation asked for by Senator Oppenheimer.

SENATOR KUHL: Yes, Mr. President. Two years ago, the Legislature unanimously adopted a bill that established in the State of New York a requirement for the licensing of security guard companies and for the licensing of people who worked for security guard companies, essentially security guards.

It was the understanding, I think, of most of the members of this house and certainly as indicated by a memo from the Division of the Budget to the Governor in suggesting that the Governor sign that bill, which was to become known as the Security Guard Act I believe of 1992, that this was -- that piece of legislation was meant to set up a standard for the so-called quote/unquote, "rent a cop" operations. It was meant to protect the

public from people who might otherwise have been convicted of a felony, might have a criminal record, from essentially preying on the people they were being hired to protect.

Shortly after the adoption of that bill into law, the awareness of what the actual definition, the technical definition said was brought to my attention and to, I'm sure, several other members of this house and the other house's attention as to what it did. The definition was written so broadly that it incorporated at that time or was interpreted to incorporate people that did not really provide security guard services in the traditional sense.

We have had conjecture from people who are in the businesses, across this state, that it applies to them at times when they thought it never should apply to them. We have heard from proprietary institutions, private manufacturing operations, we've heard from public entities, we've heard from the State of New York agencies, who say that this bill as

it currently exists -- or I should say this law as it currently exists will cause them inumerable difficulties and tremendous costs. We've heard from agencies like the Department of Parks and Recreation that people who are employed by them for summertime, part-time jobs, those lifeguards, those people who take tickets at entries into the parks would have to become licensed as security guards. We have heard from people who operate ski slopes that their volunteer ski patrols will in fact -

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

SENATOR GOLD: If Senator Kuhl will just indulge me. Calendar 1266 which we just passed, can we just hold that at the desk, please.

ACTING PRESIDENT FARLEY: It's left the house already.

SENATOR GOLD: Well, I'd like to get it back into the house, if we could. We are talking about a matter of minutes and I'd like to get that back.

ACTING PRESIDENT FARLEY: It's up to the sponsor -- Senator Stafford.

SENATOR GOLD: Well, can I make a suggestion?

ACTING PRESIDENT FARLEY: You can make any suggestion you want.

SENATOR GOLD: Suggestion is that we just passed this a couple moments ago. One of my members would like it recalled.

Now, if we have to worry about the sponsor, then I won't pass any bill from now until the end of the session unless the sponsor is sitting here.

Now, I thought it was nice -- it was a Stafford bill. I didn't make him be here, and I thought we could pass it. Now, the bill left within minutes or even earlier. I would like that bill brought back. I am asking nicely and I want to see you getting the bill back.

ACTING PRESIDENT FARLEY: The Deputy Majority Leader can make a decision.

SENATOR GOLD: Well, I appreciate everybody reaching out to him, and I'd just want

to be out in the open, because I'd like to look everybody in the eye as I talk.

If that's the rule, there will not be one bill passed from now until the end of the session unless the sponsor is in this room so if there is a problem we can deal with the sponsor. If that's okay with the majority who's probably got 99 percent of the bills, that's fine.

ACTING PRESIDENT FARLEY: Senator Present is the floor leader.

Senator Present, what's your pleasure on this?

SENATOR PRESENT: Mr. President. We're attempting to check with Senator Stafford. I think the rule of the house is that the sponsor has control of the bills, and we will contact Senator Stafford as soon as possible.

SENATOR GOLD: Let the record indicate I appreciate Senator Present's cooperation, as usual, but I still want that bill back.

SENATOR PRESENT: Regular order.

ACTING PRESIDENT FARLEY: Regular order.

We are on an explanation by Senator Kuhl.

SENATOR KUHL: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: You have your point.

SENATOR KUHL: Thank you, Mr. President. We've also heard from institutions of higher learning, state universities, public universities, that in fact have told us that the law as it currently exists would prevent them from providing scholarships to many of their students, people who present a situation where they can provide some sort of containment of students who are going to school, people who are commonly known as resident advisors and others who live in a dorm; that all of a sudden, that these people will be required to go through a licensing as a security guard, and will actually diminish the security because they will not be able to do that financially; and, also, it will

diminish their ability to provide scholarships to these needy students.

We have also heard from retail chains that this will seriously interfere with the kind of security that they are currently providing to their consumers.

So in total, Senator Oppenheimer, what we have heard from the general public and numerous different aspects of that -- and I would go through a listing if you want me to, and I can do that very quickly, of just some of the people who have come out in support of this bill who have said that they have difficulty with the law as it currently exists.

SENATOR OPPENHEIMER: I have it here, Senator Kuhl.

SENATOR KUHL: Do you have the list, Senator? Because it's growing every day. It's growing. My file is so extensive. That's the problem. It's getting to be mountainous, and it's tough to find all the information, but it's very extensive, and it covers a broad range, practically every industry, every

business, every not-for-profit, every governmental entity in this state. People like the Association of Counties, the Conference of Mayors, the Business Council of the State of New York. And then we get into individual listings of people who oppose the bill as it currently exists -- or the law as it currently exists.

What this bill does is very simple. This bill attempts to draw a line as to those people who would be covered and those people who would not be covered. And it's extremely difficult when you try to get into the nature of the operation of what people provide in the form of service in each institution, in each business, in each not-for-profit organization.

So what we have done in this proposal is to draw that line and to draw that line such that it excludes governmental entities, not-for-profit institutions and proprietary institutions. What would remain would be the, quote/unquote, "rent a cop operations", those Burns, those detective

agencies like that, that in fact supported the initial bill.

And the bill, again, as I perceived it and as many of our people perceived it, went beyond what it was intended to do, at least as to what the initial motive, what the selling operation was to this conference, to your conference, and to the other chamber for its adoption.

And, as I say, that was -- that was pretty much indicated in a memo that went from the Division of the Budget to the Governor which essentially said, yes, we support this bill and think it ought to be enacted into law for these reasons. Nowhere in that is there any discussion about a need to register not-for-profits, proprietary institutions or governmental entities.

And what we're finding is that when you really get to an overall total as to what this would cost the State of New York, the estimates are upwards of $200 million or more to implement this process in the State of New

York. We have had testimony from -- for instance, at a hearing that I had about a month ago, from Syracuse University. And they told us that to implement this process for them alone, it was going to cost them upwards from a quarter to a half a million dollars annually.

So it's a very expensive law as was adopted. We mean to take the costliness out of it to essentially direct the initial motive of the bill to where we think it really was intended, and that's the reason for this amendment.

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Mr. President. I think you have an amendment at the desk.

ACTING PRESIDENT FARLEY: Yes, there is an amendment here at the desk.

SENATOR OPPENHEIMER: Okay. Well, I'll waive its reading, and I will briefly explain it.

ACTING PRESIDENT FARLEY: Senator

Oppenheimer on the amendment.

SENATOR OPPENHEIMER: There are actually two reform bills here, one in the Assembly and one in the Senate, and I support some of the things that you are trying to do, Senator Kuhl, and I would like to address the areas where the two bills are different, because it is the Dugan bill -- you can't hear?

Okay. It's the Dugan bill -- can you hear now? It's the Dugan bill that I want to speak to because that's what my amendment is.

As I said, both houses have separate bills, so we have to work out the differences and come to some kind of agreement. The Assembly bill sponsor feels that the changes in the Senate bill are just too sweeping and that they are unnecessary, and that the Mega bill as we passed it a couple of years ago is really a fine bill and solved some very real problems, but that there are certain exceptions that should be made.

The amendment that I have before

you exempts only companies that employ less than five guards from the licensing requirement. Right now, the bill that is before you prior to my amendment exempts all companies that employ security guards on an inhouse basis. My bill would only exempt those companies that employ less than five guards.

In addition, my bill would still -- my amendment would still require the inhouse guards to be trained and registered and fingerprinted and to be subject to background checks; whereas, the prior bill exempts all security guards employed on an inhouse basis.

In other ways, my amendment is similar. It would exempt police and full-time police officers from background and training requirements because our police and our peace officers already have to go through substantial background checks and have substantial training.

One of the issues that was mentioned by Senator Kuhl in his memorandum was the excessive cost of the fees and the excessive

time consumed in filling out the various forms. The fact is we should have oversight of our departments and our agencies; and if the regulations are such that they are onerous, we should be able to change that. And to throw out the baby -- oh, that's a bad analogy -- with the bathwater -- excuse me -- I think is incorrect. I think we should definitely get a handle on the rules and regulations that are made that might prove contrary or onerous to the intent of our laws. That's something we are always fighting.

When I was holding hearings a few years ago, my task force on women's issues, we heard that there were considerable problems with on-campus security guards; that in many instances, they did not have proper training, that there weren't background checks, that sometimes they were covering up the very crimes that they were supposed to be reporting. And many of my private colleges in my district but also around the state came and said, we absolutely must have the opportunity to check into the backgrounds of these people we want to

hire as security guards, and that was not available to them at that time. And, Senator Mega's bill was the correcting influence there, and we were able to check on the backgrounds of security guards on campus so that they were no longer unknown factors and, in many cases, unqualified.

A security guard is a security guard regardless of where he is employed, be it inhouse or on a for-hire basis; and there should be equal treatment on how they are regulated. I think it's intolerable to have a double standard just because of who is employing them.

And security guards, many of them, will be performing the exact same functions irrespective of where or how they are employed, and I believe they require universal training. They should have the same training, regardless of whether they are inhouse or for hire.

Very often, an untrained guard will exacerbate a very volatile situation and actually cause additional injury -

unintentionally, but because they simply were inappropriately trained or not trained at all.

If proprietary guards are exempted from the act, they will additionally not be subject to background checks which is required by the Mega law, and the background checks are absolutely essential to insure that disreputable individuals are not unintentionally employed to become security guards, and not requiring background checks allows those with potentially violent criminal histories to apply and become hired for these positions, and this is the very situation that the Mega bill was intended to cure.

So, I'm not as eloquent as Senator Mega, but I would like to appeal to not emasculating his bill, because it was a wise bill. And if there are problems, I believe there are problems and I believe there are other ways to correct the problem.

Thank you.

ACTING PRESIDENT FARLEY: Senator Kuhl.

SENATOR KUHL: Yes, will the sponsor of the amendment yield?

ACTING PRESIDENT FARLEY: Will you yield?

SENATOR OPPENHEIMER: Certainly Senator.

SENATOR KUHL: Senator Oppenheimer, I think there probably are a lot of people in the chamber here who really have not been as intimately involved in this particular piece of legislation, and particularly the law that currently exists.

So I think it would probably be best, and I would like to ask you several questions about what your amendment does, so that they can see the contrast between what the law proposed -- or the bill proposed is as opposed to what your amendment does.

Now, as I understand it, your amendment, which is the Dugan bill, it would change the current law by exempting, quote/unquote, security guard companies who have less than five employees from having to register with

the state.

SENATOR OPPENHEIMER: That is correct.

SENATOR KUHL: If I may continue, Mr. President.

ACTING PRESIDENT FARLEY: Yes.

SENATOR KUHL: Is it true that under your proposed amendment that people who monitor traffic at a county fair would still have to register for six days? Once a year, would still have to register as a security guard?

SENATOR OPPENHEIMER: The Department of State is the body responsible for who and who is not a security guard. So I think they are the entity that would be addressing that.

SENATOR KUHL: Well, it's my understanding, Senator, under the current law, the employer has to make the interpretation as to who provides the security guard service and who does not. But the enforcement of whether or not their determination is correct is with the

Secretary of State's Office. Is that correct?

SENATOR OPPENHEIMER: Well, it's really for enforcement purposes that the Department of State makes that determination.

SENATOR KUHL: So I guess from what you are saying is that your amendment does not change the requirement that's perceived under the law now that a person who provides a security guard traffic monitoring situation, as it's interpreted under the law, would still have to register as a security guard?

SENATOR OPPENHEIMER: That is correct.

SENATOR KUHL: Okay. That was one of our concerns.

Does your amendment do anything to alter the situation where a person who is a ski patrol person having to register as a security guard?

SENATOR OPPENHEIMER: The amendment doesn't alter the definition or determination.

SENATOR KUHL: And your amendment

does not change, does it, the requirement that students who provide a resident advisor type of service to a university in fact has to or will have to register as a security guard, does it?

SENATOR OPPENHEIMER: If special limited use exceptions are needed, we can address them, but it's not necessary to repeal the Mega bill to do that.

SENATOR KUHL: So again, Mr. President, if I may.

ACTING PRESIDENT FARLEY: Senator Oppenheimer, would you continue to yield?

SENATOR OPPENHEIMER: Yes, indeed.

SENATOR KUHL: Senator Oppenheimer, just so -- again, so that my colleagues understand that all of these situations that I addressed in my explanation of what the law was, it appears to me that your amendment does not directly address except for the registration of that, quote/unquote, security guard company who has less than five employees will not have to register with the

state. Is that correct?

SENATOR OPPENHEIMER: That's one aspect of the amendment. And, additionally, it would require inhouse guards to be trained and registered.

SENATOR KUHL: Does your -

ACTING PRESIDENT FARLEY: Senator Kuhl.

SENATOR KUHL: If I may again, Mr. President. Does your amendment do anything to change the training requirements that are required, say, prior to hiring of any of these individuals?

SENATOR OPPENHEIMER: Would you repeat the question because I didn't hear it?

SENATOR KUHL: I'm curious as to whether or not your amendment does anything to change the requirements for training prior to employment?

SENATOR OPPENHEIMER: The Department of State is permitted to waive training requirements if the training provided at the company exceeds or meets their standards

or exceeds their standards.

SENATOR KUHL: So your amendment changes the requirement of the Mega law, as I understand it, to give the Department of the State permission to waive training requirements under certain circumstances. Is that correct?

SENATOR OPPENHEIMER: The Department of State can under this amendment waive the requirement. A lot of companies felt that they had job-specific training; and in this amendment, the Department of State may waive for those specific cases.

SENATOR KUHL: Now, there -

ACTING PRESIDENT FARLEY: Senator Kuhl.

SENATOR KUHL: Yes, thank you, Mr. President. As you understand the law, Senator Oppenheimer, you do understand that there is a preemployment kind of training program and then there is a commitment under the law for annual training?

SENATOR OPPENHEIMER: Yes.

SENATOR KUHL: Now, would a

person who has gotten -- or is in need of a waiver, who believes they have the right, they already provide the necessary training, is there a need for them or is there a provision in your bill that would allow for a one-time application; or are they going to have to go back each time and ask for a waiver each time a requirement is there that they have to comply with?

SENATOR OPPENHEIMER: The Department of State has that flexibility. The language is not specific. Much relies on what the Department of State determines.

SENATOR KUHL: Just out of curiosity, does your amendment have any appropriation for money in it that would allow the Department of State to handle this influx of applications for waivers?

SENATOR OPPENHEIMER: There -

SENATOR KUHL: It's a question we always seem to get on this side of the aisle, and I'm just curious.

SENATOR OPPENHEIMER: There are

no appropriations, but this house on many occasions has passed bills that -- does the original bill have money appropriated to fulfill the specific requirements of the rules and regulations that you want to put in?

I mean there isn't money appropriated in my amendment, no. Is there money appropriated -

May I ask a question?

ACTING PRESIDENT FARLEY: Senator Oppenheimer, you have the floor.

SENATOR OPPENHEIMER: Will you yield, Senator Kuhl?

SENATOR KUHL: I will be happy to yield.

SENATOR OPPENHEIMER: Is their money appropriated in your bill to handle the requirements of your bill.

SENATOR KUHL: Well, there's no additional requirements, Senator Oppenheimer, so there is no need for any money.

What our bill is is actually a tax saver. It's actually a mandate reduction.

It eliminates the need for businesses, for not-for-profits, and for governmental entities.

As a matter of fact, in one of the testimonies that we have received at the hearing from people at the Department of Parks and Recreation, they said in their own language, and I'm quoting it verbatim, but they said this was absolutely an abuse of taxpayer spending. Absolute abuse. And it was ridiculous. It was uncalled for.

And in a conversation that I had with a member of the Governor's Employee Relations Department, he admitted that he didn't know how this bill ever got by him and how it was ever signed into law without his objection. They recognized within the administration, within the second floor, that in fact this bill is a waste of taxpayer dollars.

It's far from being a bill that needs an appropriation. It's a bill that actually saves people in this state money. As I said, not only through taxpayer collection in actual state expenditures, this goes down to

every not-for-profit operation, every state university, every private university. It allows for the continuation of scholarships, so it's - and in businesses, they are facing what we would perceive as being a duplication of requirements in training, so it's an additional cost to them that's going to be passed onto the consumer.

It doesn't appear to me that there is any cost involved with the adoption of our bill. It's just the reverse. There is a significant saving to the people of the State of New York. As I indicated to you, I think it's upwards of hundreds of millions of dollars.

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

SENATOR KUHL: I will continue to yield.

ACTING PRESIDENT FARLEY: She has the floor.

SENATOR KUHL: I know. I anticipated a question, Mr. President.

ACTING PRESIDENT FARLEY: Okay. Go ahead.

SENATOR OPPENHEIMER: The fact is that the Dugan bill and your bill both are trying to address a problem, and the problem as I see it is that you are exempting just about every class in your bill, and that was not the intent of the original law. There are certain areas. There are certainly onerous regulations which would need to be changed, but to throw out these regulations by exempting an entire class of security guards is really the problem here.

And I would like to ask the question. We have to solve the problem in another way, the differences between the two bills. The Dugan bill has already passed in the Assembly, and the Dugan bill gives the Department of State the flexibility to accommodate the needs of proprietary companies.

Is there an area within that where you could see your way to sitting down and coming to an agreement?

ACTING PRESIDENT FARLEY: Senator Kuhl.

SENATOR KUHL: Senator, I have

never had a problem with discussing the merits of any bill. At this point, the Assembly sponsor has refused to offer any kind of recognition of the problems that we have been facing, the problems with the not-for-profit agencies, the problems of duplication of training for the police officers, the problems of the ski patrol licensing, those problems that are going to cause considerable financial reserves to be utilized by agencies out there.

We have had no contact. As a matter of fact, total resistance from them. We have a very able sponsor, and I understand that this matter is being taken at higher levels and being discussed over there about the possible adoption of this bill.

One of the problems that I think our colleagues should understand is that -- you know, it's interesting that this bill is coming down the way it is and that the law is coming down the way it is. And what you are saying and you suggested under your amendment -- and this is where I wish to try to straighten things out

and try to correct you -- is that you indicated that what our bill does is do away with regulations.

Well, that would be perceived by most people here because of what they have dealt with in the past, their experiences, that in fact the regulations that have been promulgated by the Department of State in fact are onerous. That's absolutely untrue. That's 180 degrees around.

The law is what created the problem. The definition is so all-encompassing that that is what has caused the problem with the volunteer organizations and all the other organizations that I've mentioned.

What is different about this situation is that the Secretary of State's office has promulgated regulations that ease the impact of that law and are bending over backwards to try to lessen the impact because they see what is happening, but they are constrained because of the definition of the law, and that was what's so totally different.

Usually, we find that there's an agency who becomes overburdensome in their regulations and distorts the actual intent of the law, okay, and what the actual law does. That's not the case here. They're working to work this out.

As a matter of fact, with regard to say, for instance, the problem that's created in the universities, they have now said that in fact when you to go define whether or not a person uses 51 percent of their time in a security guard operation, that students can now utilize all the time they spend in class as an offset to determine what the bottom denominator of hours are that they are putting into the university. Certainly, they are not employed to go to class, yet Department of State said now we can add that on so that we don't just take the time that they're in their dorm and that they're monitoring the traffic of the kids who are in there who are going to school, which is what they get paid for. We can now add that time. So that is a regulation that they are going to

actually soften the impact, and that's what you have to understand.

So your question, as I said, you know, this is not a question of changing rules and regulations. They have been most helpful. The Department of State has been most helpful because they softened the impact of the law.

But we have had no input from the Assembly sponsor, no contact from the Assembly sponsor. As a matter of fact, there's been total resistance.

It's been somewhat disheartening that when these people have come to us -- you know, it's interesting, and this is another point I want to raise, because I think people like Senator Galiber should understand this. We got a call that there was -- as you probably remember. There was a TV commentary by one of our public service stations on this issue. As a result of that publication in the City of New York, I got a call from a person from the Bronx, and the person from the Bronx said to me, "You know, that law as adopted by Senator Mega and

Assemblywoman Dugan is the most frustrating thing to me because it's essentially eliminated an opportunity of employment for me," and explained to me that what was happening because of the licensing requirement now, under certain circumstances, that these people who didn't have the wherewithal, the resources, were being required to up-front the money for the licensing, so it was excluding them. Now, that wouldn't make any difference as to whether they went to work for a hospital, a not-for-profit agency or anybody else.

And that's the reason why we are here, is because there needs to be an addressing of that, but we're not getting any recognition from the Assembly that there needs to be any change. As a matter of fact, I think on that very show, the Assemblywoman said, Well, that's the way I understood the bill to be, the law to be, anyway.

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

SENATOR OPPENHEIMER: One of the

problems, if you would yield for another question.

SENATOR KUHL: I yield, Senator Farley.

ACTING PRESIDENT FARLEY: She's got the floor.

SENATOR OPPENHEIMER: One of the problems is that your law is so broad.

SENATOR KUHL: I didn't -

SENATOR OPPENHEIMER: One of the problems is that your law is so broad that it exempts the -- you were talking about campus security, and that was an issue that came up over and over again in the hearings that I had a couple of years ago, that the campus security guards were untrained, unchecked. Really, in many instances, they had no idea of what their backgrounds were, and the opportunity to get that information was not available to the campuses, to the administration of the colleges. Your bill would also exempt, as I understand it, the full-time security guard on college campuses.

SENATOR KUHL: That's true. That's true. Our bill exempts not-for-profits, governmental entities and proprietaries, all of whom have an ultimate responsibility to the people that they serve from a liability standpoint. You know that, and I know that. If there is some disservice, something done, there is always the judicial system, the art of litigation to be able to overcome that, and that we are not trying to impose and never has been imposed.

SENATOR OPPENHEIMER: If you would yield? Are you suggesting that because there is always the avenue of the courts that there should not be training?

SENATOR KUHL: No, not at all. As a matter of fact, if you review the testimony that we have, you would see that most of these institutions, everyone of those who supports this bill, provides training that is probably in excess of what is required under the current law, but yet the current law would require duplication of that training at an additional

expense, and that's partially the problem.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

SENATOR OPPENHEIMER: I think on the bill. Thank you, Senator.

ACTING PRESIDENT FARLEY: On the amendment, I think you want.

SENATOR OPPENHEIMER: Excuse me. On the amendment. It is not that there doesn't need to be attention brought to this issue, and we need a resolution, and the resolution lies somewhere perhaps between the Dugan bill and the Kuhl bill.

It's my feeling that the regulations are onerous, and that the fees may be onerous, and that that should be handled by our oversight of the agency. I think it is essential to have registration and training of all security guards, irrespective of who their employer is. We want to have confidence in security guards. They wear uniforms. We have

to make certain assumptions that we can rely on their training and we can rely on them being people of good character who have not been in our criminal justice system.

And so I would move my amendment, saying that changes must be made to the law but that to simply obliterate a law by exempting almost everybody is not the way to go, and that changes should be made and my amendment makes them.

Thank you.

ACTING PRESIDENT FARLEY: Before I move the amendment, Senator Dollinger, did you want to speak on the amendment? And then Senator Gonzalez.

SENATOR DOLLINGER: Mr. President. I have a question and I would ask it of the sponsor of the amendment and the sponsor of the original bill just so I make sure I know what the current law says.

As I understand it, the current law requires fingerprinting, background checks, et cetera, for security guards who fall within

the definition of the act; and my understanding further is that the amendment proposed by Senator Oppenheimer would retain that provision. The bill proposed by Senator Kuhl would relinquish that provision for inhouse security guards.

My question is, can a college, proprietary home, who employs an inhouse staff, under current law, can they choose to do it if they want to? In other words, if I'm a college and I say, okay, the amendment doesn't pass, but the bill passes exempting them, do colleges still have the ability to go out and do it independently if they decide that it's the right thing to do?

SENATOR OPPENHEIMER: This is what brought the issue to my attention originally, Senator. It was about four years ago and a couple of my colleges in my district were unable to get that information from Criminal Justice Services. It was not available to them, and there was no way they could check on the people that they wanted to hire.

SENATOR DOLLINGER: So my understanding is, is there agreement by both the sponsor of the amendment and the sponsor of the bill that if -- under current law, there's nothing that permits the inhouse employer to get access to the background checks unless we attach the amendment to this bill.

ACTING PRESIDENT FARLEY: Senator Dollinger, who are you asking that question of?

SENATOR DOLLINGER: I guess that's probably best directed at Senator Kuhl, but I just want to get an agreement as to what the current bill -

ACTING PRESIDENT FARLEY: We're on the amendment, of course.

SENATOR DOLLINGER: I understand, but -

ACTING PRESIDENT FARLEY: Senator Kuhl, did you wish to answer his question?

SENATOR KUHL: Yes. Senator Dollinger, your understanding is currently the law. I think as Senator Oppenheimer has said there is no availability for access to the

fingerprinting system, either the FBI check which is required under this law or the check through DCJS at this time.

ACTING PRESIDENT FARLEY: Senator Dollinger, do you yield to Senator Oppenheimer?

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

SENATOR OPPENHEIMER: The current law is the Mega bill.

SENATOR DOLLINGER: Right. So under current law, they are required to do it because the Security Guard Act requires them to do it, if they fall within the definition of security guard under the act. If you remove that provision for inhouse people, as I understand Senator Kuhl's bill will do, then they wouldn't have the ability to access that data independently. That's correct. Okay.

ACTING PRESIDENT FARLEY: Senator Gonzalez.

SENATOR GONZALEZ: Thank you, Mr. President. I think that what I would like to do is bring about a little bit of history to this

Security Guard Act bill that was passed by Senator Mega which I worked with him on this particular bill.

He had this particular bill on for about seven years before I came into the Senate in '89, and it was to revamp, it was to put a higher grade on the security guards that was going throughout the state on a rampage of criminals and people with records on being security guard.

I happen to be currently right now for the last fifteen years a licensee as a watchguard patrol agency, although I have my license hung up on the wall so I'm not acting as -- but as far as being 20 years in the security business, I was very helpful to Senator Mega in the language of what is there now.

And I also want my colleagues to remember that in back in '89, '90, or so, there was a strike at the Daily News, where -- the Daily News being a proprietor, so-called, in their conflict with labor. They hired people that were unscrupulous, and they called them the

"Goon Squad Ninjas," and they would go in -- in the rage, and they would -- the people that were picketing were getting into physical assaults.

And so that also this bill that everybody seems to think it should to go to security guard agencies is not a fact. I mean it shouldn't be a fact. Anyone who perpetuates them in any kind of security manner, whether they are protecting people or property, they are meeting the public's interest and they should be checked and they should be fingerprinted, and they should be in the higher standards than everyone not only security guard agencies. It is anyone that is in doing security to protect anything in the State of New York, and the intent of the Security Guard Act was that.

Now, in this particular bill and the one that is in the Assembly, it turns out that if we can't get together that maybe - maybe -- some little small things could be an exempt, that that could be worked out so that it could be a two-house bill, but they are very limited, not to the broad extent as this bill is

being brought upon because people are complaining.

Of course everybody is going to complain. They are going to complain because it makes it a little harder, but at the same time the public interest is being protected; that people with not records, that people that are - just do that as mercenaries, they call them, the goons or whatever, do not get into -- whether it's a county fair or whether it's some sort of activity; and that not-for-profits don't know, so they will take a person, anyone and put them as a guard, and that person could have a record and would be physically assaultive. And then the only protection that is available is insurance, but it's already after the fact.

So I think that as far as the amendment. But I think that the both sides should come together, and I relayed it to them that I would be willing to give my expertise into that area so that maybe some of the small that can be exempted could be exempted. But in the general sense, this was the protection of

what it was meant to be, and that was what Senator Mega with a localities of the other Senators that were here, the intent is there, and that was the particular intent.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Senator Cook on them amendment.

SENATOR COOK: Mr. President. I was not involved in the passage of this original legislation, but, obviously, there were a lot of dinner conversations where I heard some reference made to it, and I know how long Senator Mega and Senator Gonzalez and others worked on the legislation; and, indeed, it was very important and very necessary legislation.

But like everything else that we do here, we often find that there are problems that arise afterward, and I have received many communications from people which I have sent on to Senator Kuhl and simply because I knew he was working with this issue, and I compliment him on the way that he has responded to it in this legislation.

Just couple of the examples of people who contacted me were nursing homes, for example, where the nurses or the receptionists who sit at the desk where people come and go and they are there to check on who is coming into the nursing home for the security of the patients, if you will, and also to insure that somebody does not walk out, some patient does not walk out and endanger themselves, find themselves now classified as security guards. Now, that clearly was not ever the intent of what this law was.

We find that at the county fair, again, somebody who is hired to stay in the cattle tent overnight to watch, to make sure that nothing happens to one of the animals that gets loose and gores one of the other cows and does something, they are a security guard under this current law.

And these are the kinds of problems that have arisen. So it's a good law. I think for the reasons that it was put in place in the first instance, it has served its purpose

well. But, clearly, it has created for a lot of other people a great deal of difficulty, and not just financial difficulty but the real reality of how are you going to get a nurse to go and train to be a security officer? Or how are you going get somebody, probably a young farm youth, who is watching the cows to go and get a security guard license? Those things just don't work.

And I think that's what Senator Kuhl's bill addresses. Unfortunately, I don't think the limiting to go five, which is apparently all the Assembly bill does, isn't going to address those problems.

ACTING PRESIDENT FARLEY: On the amendment. You have moved the amendment, Senator Oppenheimer?

On the amendment, all those in favor, aye.

(Response of "Aye.")

Those opposed, nay.

(Response of "Nay.")

The nays have it. The amendment

is not accepted.

On the bill. Read the last section.

Senator Galiber on the bill.

SENATOR GALIBER: Mr. President, on the bill. I voted in favor of the amendment.

But, Senator, I believe what happened here, is what often happens between upstate and downstate. There is a different perspective altogether.

You mentioned that young man or young person or old person who called from Bronx County who was concerned about the rules and regulations as far as your piece of legislation or the piece of legislation that was passed by Senator Mega.

But Senator Gonzalez -- and I didn't know it was 20 years. Time is really running out on some of us, just passing for others.

The fact of the matter is that the condition in Bronx County and in our urban

centers is quite different than someone coming to the fair for six days to watch the cows. In the City of New York, the cows were under the tent, they would be there to steal the cows not to watch them.

And that's the real big significance, Senator, that we have situations in our counties that security agencies are impacted because they are paying low wages; and as a result of that, they bring in just about everybody you can possibly buy.

I happen to live next door to a place where an incident occurred just two years ago. And I know when we debate these bills, we make them sound good whether they are cow watchers or whether it's the local fair for six days or whether it's the campus person who is doubling for a security person. The fact of the matter is that security is so very important and it calls out, if you will, crys out for the kinds of thing that the sponsor, Senator Oppenheimer, has suggested; that there needs be a meeting of the minds on this issue because we

shouldn't be that far apart with a few adjustments.

But to suggest that in the City of New York where persons are not paid adequate wage for security that they are pushed in under no security, no screening, no check at all - the incident -- I ran off on a tangent. This particular security guard was paid the minimum. Twenty years -- Senator Gonzalez, how -- it was three dollars and some-odd cents some years ago. In comparison, they are paying those security guards about the equivalent now.

A lot of the persons who are coming out of our penal institutions, no check -- they've got fingerprints, but they were taken at another time in history when they went into the institution -- are being hired. In one instance I made reference to, a young man said -- got into the argument over nothing. A question of going from one side of the street to the other. The fellow said I'm going to go home and get my gun and going to come back and I'm going to shoot you. And he went home. Got the

gun, came back and killed this young man.

Now that's a story just like the cows and the others that I mentioned before, but the fact of the matter, Senator, we live in a different world in another part of the state. It's a different world. We're all concerned about security whether it's nonprofit or no.

The papers I received, your memo, how many pages was it, Senator? About 30 or 40 pages to it? It was a lot of pages to be authorized or to fill out, if you will, for security purposes. We pay our income tax on a short form. We can work out something, do the same thing as far as security checks are concerned on a shorter form.

But the legislation that Senator Mega worked on had the true intent. Like many pieces of legislation, after we've watched it for a while, we need to make some amendments. But the adjustments, Senator, that you choose to put in your piece of legislation really defeats the spirit of what that security bill was really all about. You have exempted in your part of

town persons who are impacted in our part of town which will do violence. It's not the six day fair that you make reference to.

So I would only hope in voting against this piece of legislation as an indication, a protest, really, that there should be a meeting of the minds, and consistent with my vote for the amendment, that we're hurting in the City of New York, and we need the security checks and we need the caution, not only from an economic standpoint but for the safety of those persons that collectively we're concerned with, and that's the public at large.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: On the bill. Senator Oppenheimer and then Senator Dollinger.

SENATOR OPPENHEIMER: Well, I'll be voting against this amendment to Senator Mega's bill, which I felt really solved real problems. Now, other problems have come along and I think they need resolution, too, but I think to eviscerate the Mega bill is certainly

not the way to go, by saying that only security guard companies should be able to do the background checks and only they are required to have training and to be registered. I think we're just throwing away the whole intent of the original bill which I think was an important bill.

Now, there are problems that have come along that need resolution. Certainly the packet of forms that had to be filled out by the person applying for registration, licensing is certainly onerous, and that has to be changed, and the fee structure probably can be amended. But to throw out the whole intent of the bill and say this just applies to security guard companies and not to all the other proprietary companies that employ security guards is simply not -- was not the intention of the bill. And the bill originally was a good one. Let's correct the original bill.

I vote no on this.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I rise on this bill because I think one of the issues that's been talked about here is the issue of expectations of security guards, and I think the point at least in my part of the village in the New York that I represent, the point that was made by Senator Cook and by Senator Kuhl I think is appropriate; and that is, what do you expect when you see someone who has got that little yellow T-shirt on that says security?

I've been to parties on the beach at Charlotte, where there's always a security officer. I don't expect him to be trained. I expect that he's someone being paid $5 an hour to walk around with a T-shirt on and to tell people that they shouldn't litter and do other things.

I think the same thing may be true for the occasional college security man at Syracuse when I've gone to the Dome for games. They wear a college security T-shirt or a jacket. I don't expect them to be fingerprinted

and background checked and act as the police. I expect to them to be college kids who are there to try to figure out whether something's going wrong, talk into their walkie-talkies, bring in the campus police.

It seems to me, and I'm going to vote in favor of this bill, that this goes in the right direction. And I have only one quibble, I guess, with Senator Kuhl and it's a minor one.

To suggest that we're in the business of mandate relief, when what we did is we created the problem by passing the bill in the first place, is just a slight difficulty for me. I think we're moving in the right direction, moving back from having imposed a mandate which was far too broad in the first place, and I do concur with Senator Kuhl that it's unusual.

The debates we had last week focused on an agency that we had given broad powers too, and they were galloping out of control in the view of some of my colleagues,

and there were those of us who felt that if we wanted to bring that galloping out of control back under control, the way to do it was to change the enabling act and go back and shrink the powers that we gave to the Department Environmental Conservation.

Here we have almost the ironic flip side of that, where we gave them broad powers and they said to us, "We don't think we want to exercise these broad powers." What I see happening here are the checks and balances that we talked about in that debate, that we still have the power to control it.

I see this bill as taking an administrative response, which we think is well guided and conforming legislation to reflect the day-to-day reality. The law was too broad in its original inception, too all-encompassing. It did capture the guy who was watching the cows in the county fair, and we've gone too far.

So I'm going to support the bill. I think the lesson in this bill is perhaps when we enact these very broad statutes,

we ought to try to imagine the specific problems that are going to arise; and if we realize that it's far too broad, let's shrink the original legislative grant back to a manageable and realistic proportion.

ACTING PRESIDENT FARLEY: Senator Kuhl on this bill.

SENATOR KUHL: I don't want to extend the debate, but just to cover a couple of quick points. One that Senator Galiber raised; and that was, he felt this was an upstate/down state battle. I would just, Senator Galiber, point out to you that I don't perceive it that way. Certainly there are unique problems in the City of New York and certainly downstate that are not there in upstate New York.

But I think the list of people who support this bill indicates that there is statewide support and there is no line, geographical line, that would distinct the support or nonsupport. For instance, the Greater New York Chamber of Commerce supports this bill, the Greater New York Hospital

Association, the New York Clearing House, the National Association of Feeder Operators, the Check Cashiers Association of New York, the Brooklyn Union Gas Company, the Business Council, the American Federation of State, County and Municipal Employees in New York State, the Retail Council, the Association of Counties. Those are all statewide associations which have a very heavy municipal downstate presence on them.

And also the point that -- I think more importantly than that, the other point that I wanted to touch on, which is one that Senator Oppenheimer raised and certainly Senator Gonzalez did, and you would have no reason to know the feeling in some of the security guard industry people. Certainly there are the private security guards who feel very favorable toward this bill because they see it as an employment opportunity. One of the people who testified at the hearing said that after the passage of the initial Mega/Dugan bill, other than MCI, his most often caller was a security

guard company. They looked at it as a security guard employment bill.

Now let me tell you what the Capital Police, the chief of police of the New York State Capital Police and chief administrator said at our hearing, and I quote, and it's a very short two paragraphs. He says, "While I feel there is a need for some mandates for training and background checks for security guards, I don't believe the Security Guard Act of 1992 is based on solid knowledge of what is going on in the security field. I believe the act was a knee-jerk reaction to some problems resulting from private sector security companies, and security company's failure to properly screen and train employees. I find that most public sector and many private sector proprietary security agencies properly screen applicants as well as providing basic and inservice training which far exceeds the mandates of the act. The Office of General Services Securities Services is an example of a New York public sector security agency that

should be exempted from the act. The mandated background investigation and licensing fee of $110 per security officer, which includes security guard officers already employed is a waste of $11,000 in taxpayer dollars. No consideration is given to the fact that all OGS security officers personnel were fingerprinted and a complete background investigation conducted at the time that they were hired," and then he goes on to talk about the actual training requirements which again are also requirements that are duplications.

So I think that this bill has a very, very sound basis for its adoption, and that as many people have said, Senator Dollinger, Senator Cook, that perhaps we were not as diligent as we should have been with regard to the adoption of the initial bill in 1992, but that this bill will really set security guard licensing and restrictions the way in should be done in New York.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Read

the last section.

SENATOR GALIBER: I can wait. I can wait. Just have my name called.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FARLEY: Senator Galiber to explain his vote.

SENATOR GALIBER: Yes. Senator Kuhl, I didn't want the records to reflect that I thought we were at odds with each other upstate/downstate.

I wouldn't want you to miss this.

I didn't want you to think that we have an upstate/downstate war as you had suggested. That is not what I was saying.

What I was saying, Mr. President, was that we have different circumstances in the City of New York, and the list of people that

you read off or entities that you read off in support, interesting enough, they are corporations. They are business people. It's like prisons upstate is the economic development plan for upstate. These folks have an interest because they are in business, and they are not interested in taking care of where the real impact is in the city, and that's the people of the City of New York.

So it's not an upstate/down state. It's a question of different circumstances, and this is why we had suggested or I had suggested this getting together, because there's no war. There is just a difference of circumstances, and people are being impacted on, and this is why I made my comments in support of the amendment. But it's definitely not a war just different circumstances, Senator.

ACTING PRESIDENT FARLEY: How do you vote?

SENATOR GALIBER: No.

ACTING PRESIDENT FARLEY: Senator

Gonzalez.

SENATOR GONZALEZ: Yes, Mr. President. I just want to explain my vote.

Senator Kuhl mentioned the various people that are in favor of the particular bill, but, however, the proprietaries -- this is the -- the Security Guard Act was the first time that the proprietaries are being regulated, so, of course, they are very apprehensive about the security and that they do the things right. But whoever does it wrong, pays for the whole state sort of any unscrupulous persons.

So I'm voting in the negative on this bill, but I think that we can get together with both houses and work it out, as those point that I said earlier.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: Mr. President. I'm going to vote in the affirmative on this bill. I would simply hope that the

sponsor might raise at least one issue in the discussions about this with the Assembly if this bill gets negotiated; and that is, to give the various employers of the security guards the ability to do the security checks themselves, to do the fingerprinting, to do the background checks.

If we instead of mandating them to do it, empower them to do it, they can make all these decisions on their own. I think that's a better way to go. They can then raise the level of their own security. Colleges can advertise that these are fingerprinted and background checked security guards, that they are not just students who are walking around with T-shirts on. I would rather do it from the point of view of empowering them rather than mandating that they do it.

But I'm going to vote in favor of this. My hope is we'll get to that point, which I think is the right place to be.

ACTING PRESIDENT FARLEY: Senator Dollinger is in the affirmative.

THE SECRETARY: Those recorded in the negative on Calendar Number 1267 are Senators DiCarlo, Espada, Galiber, Gonzalez and Oppenheimer. Ayes 50. Nays 5.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: With my thanks to Senator Present and Senator Stafford for their cooperation, I understand that 1266 has now been returned to the house. I ask that the vote be reconsidered upon which it passed today.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT FARLEY: The bill is before the house.

SENATOR GOLD: Thank you, Mr. President. Again with the consent of Senator

Stafford, may we lay this aside for the day.

ACTING PRESIDENT FARLEY: Lay the bill aside for the day.

Senator Present.

SENATOR PRESENT: Call up Calendar 907.

ACTING PRESIDENT FARLEY: 907. Secretary will read it.

THE SECRETARY: On page 21, Calendar Number 907, by Senator Levy, Senate Bill Number 1113, an act to amend the Vehicle and Traffic Law, in relation to requiring suspension and revocation of a driver's license after administration of a compulsory chemical test.

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

1. Senator Kuhl recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President. Can we call up Calendar 1186.

ACTING PRESIDENT FARLEY: 1186. The Secretary will read it.

THE SECRETARY: Calendar Number 1186, by Senator Libous, Senate Bill Number 7975, an act to amend the Tax 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.

SENATOR GALIBER: Explanation.

ACTING PRESIDENT FARLEY: Withdraw the roll call. Senator Galiber?

SENATOR GALIBER: Explanation.

ACTING PRESIDENT FARLEY:

Explanation has been asked for.

Senator Libous.

SENATOR LIBOUS: Mr. President. This bill would require the director of the New York State Division of Lottery to enter a written agreement with the Commissioner of Social Services and, basically, that if anyone wins a lottery of a million dollars or more that they would have to pay back public assistance benefits that they have received during that time.

SENATOR GALIBER: Senator yield one question?

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR LIBOUS: Yes, Senator Galiber.

SENATOR GALIBER: Senator, usually when we put legislation in the hopper it's as the result of some abuse or some incident that occurred. Could you tell me how many people who have been recipients or are recipients of welfare have hit the Lotto?

SENATOR LIBOUS: We don't know.

SENATOR GALIBER: Do you believe that any and all hit the Lotto?

SENATOR LIBOUS: We don't know.

SENATOR GALIBER: Did you research this bill with you are cryptic yes or noes?

SENATOR LIBOUS: As best as we could, yes.

SENATOR GALIBER: Fine. Senator, I was going to vote for your bill until I didn't get any response. I get these cryptic yes or noes, which I don't think is the proper way to deal with the questions.

SENATOR LIBOUS: Mr. President. I'd be happy to -

ACTING PRESIDENT FARLEY: Senator Libous.

SENATOR LIBOUS: -- Senator Galiber -

ACTING PRESIDENT FARLEY: Whoa, whoa, whoa. Hold on here.

SENATOR GALIBER: Would you yield

for another question.

ACTING PRESIDENT FARLEY: Would you yield, Senator?

SENATOR LIBOUS: Absolutely.

SENATOR GALIBER: In the course of your looking into this, could you share with us what the motivation was for your putting in this piece of legislation?

SENATOR LIBOUS: Mr. President, I'd be happy to do that.

SENATOR GALIBER: Thank you.

SENATOR LIBOUS: In the six years that I have served in the Senate, I have town meetings throughout my district and, quite often, it has come up by frustrated taxpayers as to different abuses and systems in government, and often this one comes up. People have said to me people who use public assistance monies to purchase lottery tickets and if they win the lottery, why aren't they required to pay back some of that taxpayer money, and it's not just one or two times that I have heard this in the six years that I've had the pleasure of serving

in the Senate, but I hear this quite frequently, and we tried to come up, Senator Galiber, with a fair assessment here, and I don't have information as to the number of people, but I can tell you that's why we picked the million dollar level. We certainly wouldn't want to do it on any $10 or $50 or $100. We wanted to try to be fair and equitable, but it has been something that my constituents have repeatedly asked of me, and we researched it and put it in, and we think that it's very responsive.

SENATOR GALIBER: On the bill.

ACTING PRESIDENT FARLEY: Senator Leichter. Senator Galiber has the floor. I guess he yields to Senator Leichter?

SENATOR GALIBER: Yes.

ACTING PRESIDENT FARLEY: Okay.

SENATOR LEICHTER: Senator Libous, I was interested in hearing your explanation. You said that people in your district said that, while somebody is receiving public assistance, if they take some of the public assistance money and buy a lottery ticket

and then they win a million dollars or more. But as I read your bill, this would include people who had been on public assistance for the previous ten years, even though they were no longer on public assistance.

SENATOR LIBOUS: That's correct.

SENATOR LEICHTER: So it's not a matter that they have taken money they have received from the Department of Social Services, but actually money that they may be gainfully employed.

Let me ask you. Why didn't you limit your bill then to those instances where the people were still on public assistance.

ACTING PRESIDENT FARLEY: Senator Libous.

SENATOR LIBOUS: Mr. President. I think in responding to my constituents' requests on the bill, they felt that the assistance should be paid back, and that ten-year period was a period that we thought was a fair period to chose.

SENATOR LEICHTER: Senator, if

you would be good enough to continue to yield?

SENATOR LIBOUS: I'll be happy to, Senator.

SENATOR LEICHTER: Senator, suppose somebody is on public assistance and then they get off public assistance and whether by good fortune or by stint of hard work, for whatever reason, they now become wealthy. They become millionaires. Would be nice if they return the money, but at the present time there is nothing under law that requires that they return the money. Isn't that correct?

SENATOR LIBOUS: What's that?

SENATOR LEICHTER: There is nothing that requires that if somebody, let's say, makes more than a million dollars a year who had been on social services?

SENATOR LIBOUS: Absolutely not.

SENATOR LEICHTER: All right. Well, why didn't you cover that case, too? I mean if you are going to make a general rule on the obligation of people to return monies that they received from social services when they

suddenly found themselves in possession of a lot of money, and it could be either by hard work -

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

SENATOR LEICHTER: I'm not going to finish the question because Senator Present has risen.

SENATOR PRESENT: Thank you, sir.

Mr. President. It appears that this may go into a longer discussion than I would like to take place at this time, so I would ask that this bill be laid aside with the permission of the sponsor and take it up tomorrow.

ACTING PRESIDENT FARLEY: Senator Libous, do you wish to lay the bill aside?

SENATOR PRESENT: One fast question, Senator Galiber? All right.

ACTING PRESIDENT FARLEY: Senator Espada had a question, too.

SENATOR PRESENT: I see a number of people would like to speak, so maybe we take it up tomorrow. Lay the bill aside, please.

ACTING PRESIDENT FARLEY: Lay the bill aside.

Senator Present.

SENATOR PRESENT: Mr. President. I would like to announce an immediate meeting of the Rules Committee in Room 332, and I would like to ask the Senate stand at ease awaiting the Rules Committee report, upon which that receipt the Senate will adjourn until tomorrow at 11:00 a.m.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: On behalf of Senator Mendez, I would like to remind the Minority that there is going to be a conference right now in the Minority Conference Room. Some members who are on Rules will have to go to Rules, but everybody should start heading right over to the Minority Conference Room at this point.

ACTING PRESIDENT FARLEY: Yes. Could we do a little housekeeping before we

have -

SENATOR PRESENT: Sure.

ACTING PRESIDENT FARLEY: Senator Libous has motion.

SENATOR LIBOUS: Mr. President. On behalf of Senator Seward, on page 39, I offer the following amendments to Calendar Number 666, Senate Print Number 7285, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR LIBOUS: Thank you, Mr. President. I wish to call up Calendar Number 850, Assembly Print 11397.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: An act to amend the Mental Hygiene Law, in relation to the reporting of crimes.

SENATOR LIBOUS: I now move to reconsider the vote by which this Assembly bill was substituted for my bill, Senate Print Number 7034 on 5/25.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is before the house.

SENATOR LIBOUS: Mr. President. I now move that Assembly Bill Number 11397 be recommitted to the Committee on Rules and my Senate Bill restored to the order of Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

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

ACTING PRESIDENT FARLEY: Amendments received.

Any other motions on the floor?

(There was no response.)

There's an immediate meeting of the Rules Committee in Room 332. There is an immediate meeting of the Minority in a

conference.

The Senate will stand at ease waiting for the Rules report, and then we'll adjourn until tomorrow at the regular hour.

(Whereupon, at 2:02 p.m., Senate was at ease.)

(Whereupon, at 2:28 p.m., Senate reconvened with Senator Marchi in the chair.)

ACTING PRESIDENT MARCHI: Senate will come to order.

Senator Present.

SENATOR PRESENT: Mr. President. Could we return to motions for a moment?

In behalf of Senator Goodman, I would like to please remove the sponsor star on Calendar 780.

ACTING PRESIDENT MARCHI: Without objection.

SENATOR PRESENT: Mr. President. Can we return to report of standing committee.

ACTING PRESIDENT MARCHI: Secretary will read.

THE SECRETARY: Senator Marino

from the Committee on Rules reports the following bills directly for third reading:

Senate Bill Number 443, by Senator Stafford, Environmental Conservation Law.

1946C, by Senator Larkin, an act to amend the Retirement and Social Security Law.

2456, by Senator Marchi, Department of Environmental Conservation to study the period of probable usefulness.

2813, by Senator Trunzo, Retirement and Social Security Law.

3726A, by Senator Waldon, City of New York to reconvey its interest in certain real property.

4140A, by Senator Kuhl, providing Thomas Cassidy credit for past service.

4303A, by Senator Connor, City of New York to reconvey its interest in certain real property.

4375C, by Senator Johnson, to allow Paul D'Aversa to file a request for retroactive service credit.

4569B, by Senator Marino, allowing Pauline Ogus to receive service credit in the New York State teachers' retirement system.

5096, by Senator Saland, an act to amend the Tax Law.

5275D, by Senator Daly, an act to amend the Public Health Law.

5384A, by Senator Spano, Retirement and Social Security Law.

6306A, by Senator Holland, an act to amend the Public Health Law.

6858, by Senator Trunzo, Chapter 787 of the Laws of 1934.

6897, by Senator Spano, State Finance Law.

7214A, by Senator Cook, an act to amend the General Municipal Law.

7231, by Senator Cook, General City Law.

7330, by Senator Farley, an act to amend the General Municipal Law.

7643A, by Senator Hannon, an act

to amend the General Business Law.

7884, by Senator Daly, legislative body of the county of Niagara.

7930, by Senator Hannon, Private Housing Finance Law.

7942A, by Senator Wright, Environmental Conservation Law.

8017, by Senator Mendez, City of New York to reconvey its interest in certain real property.

8066, by Senator Volker, amend Chapter 68 of the Laws of 1968.

8102, by Senator Padavan, an act to amend the Navigation Law.

8146A, by Senator Tully, Executive Law.

8392, by Senator Tully, Public Health Law.

8528, by the Committee on Rules, General Municipal Law.

8579, by Senator Holland, General Municipal Law.

8601, by Senator Seward, an act

to amend the Canal Law.

8622, by Senator Holland, an act to amend the Town Law.

8623, by Senator Saland, Family Court Act.

8633, by Senator Larkin, an act to amend the Town Law.

And 8641, by the Committee on Rules, an act to amend the Insurance Law.

All bills reported directly for Third Reading.

ACTING PRESIDENT MARCHI: Without objection, third reading.

Senator Present.

SENATOR PRESENT: Mr. President. There being no further business, I move that we adjourn until tomorrow at 11:00 a.m.

ACTING PRESIDENT MARCHI: Senate stands adjourned.

(Whereupon, at 2:32 p.m., Senate adjourned.)