ALBANY, NEW YORK

June 27, 1994

4:15 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: The Senate will come to order. Senators please take their places. Ask the members of the gallery to join us in saying the Pledge of Allegiance.

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

ACTING PRESIDENT KUHL: We're pleased to have a constituent of Senator Padavan's with us from Queens, the Reverend Monsignor George T. Deas from Our Lady of the Blessed Sacrament.

REVEREND MONSIGNOR GEORGE T. DEAS: I'd like to offer two thoughts as prelude to our prayer.

There was a young man who was taking his first flight and ran into a lot of turbulence and, in the midst of his anxiety prayed, "O God, if you get me out of this, I will give you half of what I earn." Suddenly the sun came out and about a half hour later the plane landed evenly and uneventfully. But just behind him was a preacher who tapped him on the

shoulder as he got up to go out and said, "I heard the prayer that you uttered and so I would like to collect for the Lord," and the man turned and said to him, "No deal," he said. "I've -- I've changed the terms;" and he said, "What do you mean?" And he said, "Well, I said to the Lord, if you ever catch me in one of these things again, you can have it all."

We take from that that God cuts no deals and in the end he gets it all. The second thought comes from Teresa of Avila who says that God sees us all the time but, when we pray, we see God seeing us. So let us bow our heads and ask for the wit to take this conversation seriously.

We call You Almighty, the all powerful one because in You alone all power resides and in You alone absolute power is in corruptible. What power we possess derives from You and threatens to corrupt us only when we forget that. Give us the humility to remember that You made the world. It is Yours to save. You made us stewards of the world, and it is

ours to serve, and so we pray for our nation and especially our state on whose soil our feet are planted and in whose history we see Your provident hand.

Help us to find our soul. We develop swift means of transportation. Show us the place to go. We develop incredible methods of communication. Teach us what to say. We have amassed immense wealth. Give us the goals worthy of Your love on which to spend it. Bless this nation, this state, this chamber of Senate and the women and men within it for the resurgence of integrity. Give us courage to be strong in assisting the weak, wisdom to rebuild our cities well, humility to live the trust in You which is engraved on our currency and our coins, and at last sharpen our sense of humor so as to see all things from Your perspective and know when we have said enough. Amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 26th. The Senate met pursuant to

adjournment, Senator Bruno in the Chair upon designation of the Temporary President. The Journal of Saturday, June 25th, 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.

Senator Present, there's one at the desk. I ask the Secretary to read.

THE SECRETARY: The Assembly returned Senator Padavan's bill, Senate Bill Number 5904-B, Assembly Reprint Number 30005, an act to amend the Vehicle and Traffic Law, in relation to the offense of unlawful solicitation of ground transportation services, with amendments.

ACTING PRESIDENT KUHL: Concur in the amendments. Senate bill is restored to the calendar.

Messages from the Governor.

Reports of standing committees.

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

Senate Bill Number 2491-A, by Senator Montgomery, authorizing the city of New York to reconvey its interest in certain real property;

3185-C, by Senator Spano, an act to amend the Retirement and Social Security Law;

3276-B, by Senator Spano, an act to amend the Retirement and Social Security Law;

3674, by Senator Present, Real Property Tax Law;

5499-A, by Senator Saland, an act to amend the Social Services Law;

5571, by Senator Padavan, an act to amend the Public Authorities Law;

5871, by Senator Velella, an act to amend the Judiciary Law;

6081-A, by the Senate Committee on Rules, an act to amend the Vehicle and Traffic Law.

6706-B, by Senator Stachowski,

authorizing the city of Lackawanna to discontinue the use and sell certain park lands;

6885-A, by Senator Seward, an act to amend the Election Law;

7015, by Senator Johnson, an act to amend the General Municipal Law;

7024, by Senator Lack, an act to amend the Labor Law;

7704, by Senator Present, Environmental Conservation Law;

7758, by Senator Velella, an act to amend the Insurance Law;

7811-A, by Senator Johnson, an act to amend the General Municipal Law;

7968-A, by Senator Daly, an act to amend the Environmental Conservation Law reported with amendments;

8029, by Senator Ohrenstein, authorize the city of New York to reconvey its interests in certain real property;

8064, by Senator Lack, an act to amend the General Obligations Law;

8090-A, by Senator Goodman, an

act to amend the Vehicle and Traffic Law;

8145, by Senator Lack, Uniform City Court Act;

8189-A, by Senator Present, Environmental Conservation Law;

8288-A, by Senator Present, an act to amend the Town Law and the Public Officers Law;

8398, by Senator Daly, an act to amend the Vehicle and Traffic Law;

8503, by Senator Skelos, amends Chapter 1014 of the Laws of 1984;

8520, by Senator Sears, authorize the town of Massena in St. Lawrence County to construct office facilities;

8648, by Senator Nozzolio, an act to amend the Election Law;

8661, by Senator Libous, Surrogate's Court Procedure Act;

8679, by the Committee on Rules, Public Authorities Law;

8684, by Senator Daly, authorize the sale and lease of real property at the

Rochester Psychiatric Center;

8694, by Senator Saland, Environmental Conservation Law;

8695, by Senator Spano, amends Chapter 318 of the Laws of 1991;

8704, by Senator Holland, an act to amend the Social Services Law; and

8739, by Senator Tully, an act to amend the Public Health Law.

All bills reported directly for third reading.

ACTING PRESIDENT KUHL: All bills are reported directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Stafford, on page 42, I offer the following amendments to Calendar Number 1106, Senate Print Number 8030,

and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR LIBOUS: And, Mr. President, would you also please remove the star on that bill.

ACTING PRESIDENT KUHL: Star is removed.

SENATOR LIBOUS: Mr. President, also on behalf of Senator Stafford, I wish to call up his bill, Senate Print Number 7467 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Stafford, Senate Bill Number 7467, an act to amend the General Construction Law.

ACTING PRESIDENT KUHL: Senator Libous.

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

bill was passed.

ACTING PRESIDENT KUHL: Secretary will read the roll, or call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: Senator Libous.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Libous.

SENATOR LIBOUS: Again, Mr. President, on behalf of Senator Stafford, I wish to call up his bill 441-C recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

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

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

ACTING PRESIDENT KUHL: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 41.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Marchi, I wish to call up his bill, Print Number 6521-A recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Marchi, Senate Bill 6521-A, an act to amend the Environmental Conservation Law.

SENATOR LIBOUS: Mr. President, I

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

ACTING PRESIDENT KUHL: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 41.

SENATOR LIBOUS: I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of myself, may I please put a sponsor's star on Calendar Number 854.

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

SENATOR GOLD: Would you please recognize Senator Markowitz.

SENATOR MARKOWITZ: I would like to be recorded on 1289, which the Senate approved on June 12th, 1289, I would have voted in the affirmative enthusiastically.

ACTING PRESIDENT KUHL: Senator Markowitz, the record will show that had you been present when that bill was voted on, you would have voted in the affirmative.

Senator Seward.

SENATOR SEWARD: Mr. President, on behalf of Senator Tully, I wish to call up his bill Print Number 8180-A recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Tully, Senate Bill 8180-A, authorize the village of Westbury to discontinue the use of certain park lands.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Seward.

SENATOR SEWARD: Also on behalf of Senator Tully, I wish to call up his bill Print Number 233 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Tully, Senate Bill 233, an act to amend the Criminal Procedure Law.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

SENATOR SEWARD: Mr. President, I

now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Seward.

SENATOR SEWARD: On behalf of Senator Goodman, I wish to call up Calendar Number 709, Assembly Print Number 6114-C.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Assembly Bill Number 6114-C, an act to amend the Arts and Cultural Affairs Law.

SENATOR SEWARD: I now move to reconsider the vote by which this Assembly bill was substituted for Senator Goodman's bill, Senate Print Number 3874-B on April 27th.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

SENATOR SEWARD: I now move that Assembly Bill Number 6114-C be committed to the

Committee on Rules and Senate -- the Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT KUHL: The Assembly bill will be recommitted and the Senate bill will be restored to the Third Reading Calendar.

Senator Seward.

SENATOR SEWARD: Mr. President, I now offer the following amendments to that bill.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR SEWARD: O.K. And finally on behalf of Senator Levy, I wish to call up Calendar 1028, Assembly Print Number 2235-A.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Assembly Bill 2235-A, an act to amend the Public Authorities Law.

SENATOR SEWARD: I now move to reconsider the vote by which this Assembly bill was substituted for Senator Levy's bill, Senate

Bill Number 8300, on May 11th.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

SENATOR SEWARD: I now move that Assembly Bill Number 2235-A be recommitted to the Committee on Rules, and that Senator Levy's bill be restored to the Third Reading Calendar.

ACTING PRESIDENT KUHL: The Assembly bill will be recommitted, and the Senate bill will be restored to the Third Reading Calendar.

SENATOR SEWARD: I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Levy, please remove a sponsor's star from Calendar Numbers

293 and 328.

ACTING PRESIDENT KUHL: Sponsor's stars will be removed from 293 and 328.

SENATOR FARLEY: On behalf of Senator Kuhl, please place a sponsor's star on Calendar Number 1164.

ACTING PRESIDENT KUHL: Sponsor's star is placed on Calendar Number 1164.

SENATOR FARLEY: Also on behalf of Senator Daly, on page 4, Calendar Number 261, Senate Print 4583-D, I offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR FARLEY: I have a number of these.

On behalf of Senator Daly amendments are also offered on page 10, Calendar Number 593, Senate Print 7281-A, offer the following amendments.

On behalf of Senator Hannon, on page 28, Calendar Number 1246, Print Number 8530 I offer the following amendments.

Behalf of Senator Johnson, page 32, Calendar Number 1337, Senate Print 6851, I offer amendments.

On behalf of Senator Skelos, on page 33, Calendar 1345, Senate Print 8452, I offer the following amendments.

On behalf of Senator Skelos, on page 38, Calendar Print -- Calendar Number 600, Senate Print 7412, I offer the following amendments.

On behalf of Senator Velella, page 19, Calendar 882, Senate Print 6787-A, offer amendments.

And on behalf of Senator Kuhl, on page 32, Calendar Number 1338, Senate Print 7406-A, I offer the following amendments, and I ask that these bills retain their place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and accepted on Calendars Number 593, 1246, 1337, 1345, 600, 882 and 1338. The bills will retain their place on the Third Reading Calendar.

Senator Rath.

SENATOR RATH: Mr. President, I wish to call up my bill, Print Number 7054-B recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: 7054-B, an act to amend the State Administrative Procedure Act.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR RATH: Mr. President, additionally I wish to call up my bill, Print

Number 7743-A recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Rath, Senate Print Number 7743-A, an act to amend the State Administrative Procedure Act.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR RATH: Additionally, Mr. President, I wish to remove the sponsor's star from my Bill Number 1064.

ACTING PRESIDENT KUHL: Sponsor's

star is removed from Calendar Number 1064.

SENATOR RATH: Thank you.

ACTING PRESIDENT KUHL: Senator Maltese.

SENATOR MALTESE: Mr. President, I wish to call up Calendar Number 813, Assembly Print Number 10571.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Assembly Bill Number 10571, an act to amend the County Law.

SENATOR MALTESE: I now move to reconsider the vote by which this Assembly bill was substituted for my bill, Senate Print Number 4571-B on May 10th.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

SENATOR MALTESE: I now move that Assembly Bill Number 10571 be committed to the Committee on Rules and my Senate bill be

restored to the order of the Third Reading Calendar.

ACTING PRESIDENT KUHL: The Assembly bill will be recommitted and the Senate bill will be restored to the Third Reading Calendar.

Senator Maltese.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Cook.

SENATOR COOK: Mr. President, would you please remove the sponsor's start from Senate Print Number 7231, Calendar Number 1306.

ACTING PRESIDENT KUHL: Sponsor's star will be removed from Calendar Number 1306.

Senator Johnson.

SENATOR JOHNSON: Mr. President, I wish to call up my bill, Print Number 2802-A recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary

will read.

THE SECRETARY: Senate Bill Number 2802-A, by Senator Johnson, an act to amend the Education Law.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: Senator Johnson.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Johnson.

SENATOR JOHNSON: Mr. President, on page 5, I offer the following amendments to Calendar Number 285, Senate Print Number 4369-B and ask that said bill retain its place on the

Third Reading Calendar.

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

Senator Johnson.

SENATOR JOHNSON: Mr. President, on page 31, please place a sponsor's star on Calendar Number 1329, Senate Print Number 3181-A.

ACTING PRESIDENT KUHL: Sponsor's star will be placed on 1329.

Senator Spano.

SENATOR SPANO: On behalf of Senator Bruno, I wish to call up his bill, Senate Print 6727 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Bill Number 6727, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Senator

Spano.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 47.

SENATOR SPANO: Offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Spano.

SENATOR SPANO: Also on behalf of Senator Bruno, I wish to call up his bill, Print Number 6937, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Bill Number 6937, Racing, Pari-Mutuel Wagering and Breeding Law.

SENATOR SPANO: Move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 47.

SENATOR SPANO: Offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Spano.

SENATOR SPANO: Mr. President, I wish to call up my bill, Senate Print Number 5738-A recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Spano, Senate Bill Number 5738-A, an act to amend the Vehicle and Traffic Law.

SENATOR SPANO: I now move to

reconsider the vote by which the bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 47.

SENATOR SPANO: Offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR SPANO: Thank you.

ACTING PRESIDENT KUHL: Senator Present, we have some substitutions. Secretary will read the substitutions.

THE SECRETARY: On page 6 of today's calendar, Senator Kuhl moves to discharge the Committee on Rules from Assembly Bill Number 10374-A and substitute it for the identical Third Reading 331.

On page 7, Senator Levy moves to discharge the Committee on Rules from Assembly Bill Number 9806-A and substitute it for the

identical Third Reading 392.

On page 18, Senator Libous moves to discharge the Committee on Rules from Assembly Bill Number 10877-A and substitute it for the identical Third Reading 853.

On page 24, Senator Levy moves to discharge the Committee on Transportation from Assembly Bill Number 9612, and substitute it for the identical Third Reading 1001.

On page 30, Senator Paterson moves to discharge the Committee on Rules from Assembly Bill Number 4218-A and substitute it for the identical Third Reading 1324.

On page 32, Senator Volker moves to discharge the Committee on Rules from Assembly Bill Number 9338, and substitute it for the identical Third Reading 1336.

And on page 34, Senator Volker moves to discharge the Committee on Local Government from Assembly Bill Number 9057 and substitute it for the identical Third Reading 1353.

ACTING PRESIDENT KUHL:

Substitutions are ordered.

Senator Present, that brings us to the calendar.

SENATOR PRESENT: Take up the non-controversial calendar.

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

THE SECRETARY: On page 4, Calendar Number 193, by Senator Daly, Senate Bill Number 1098-A, an act to amend the Environmental Conservation 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 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 331, substituted earlier today, by member of the

Assembly Doran, Assembly Bill Number 10374-A, 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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 359, by Senator Wright, Senate Bill Number 6861 C, authorize the city of Ogdensburg School District to finance the projected accumulated deficit.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 485, by Senator Levy, Senate Bill Number 193-D, an act to amend the Public Authorities Law and the Railroad 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 47, nays one, Senator Seward recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 538, by Senator Levy, Senate Bill Number 7431-A, an act to amend the Vehicle and Traffic 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 48.

ACTING PRESIDENT KUHL: The bill's passed.

THE SECRETARY: Calendar Number 648, by Senator Kruger, Senate Bill Number 7102, 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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

659, by Senator Seward, Senate Bill Number 7410-A, authorizing the State University of New York to lease certain lands.

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 48.

ACTING PRESIDENT KUHL: The bill's passed.

THE SECRETARY: Calendar Number 663, by member of the Assembly Pheffer, Assembly Bill Number 825-A, 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.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 44, nays 4, Senators Cook, DeFrancisco, Kuhl and Seward recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 715, by Senator Daly, Senate Bill -

SENATOR GOLD: Could we have a day on that, please.

SENATOR DALY: Lay it aside.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 771, by Senator Skelos, Senate Bill Number 7797 B, 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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 779, by Senator Saland, Senate Bill Number -

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

THE SECRETARY: Calendar Number 823, by Senator Stafford, Senate Bill Number 7023-A, authorizing the town of Waverly, county of Franklin to discontinue the use and transfer certain park lands.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 850, by Senator Libous, Senate Bill Number 7034 A, an act to amend the Mental Hygiene 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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 898, by Senator Rath, Senate Bill Number 7999-A, State Administrative Procedure Act.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

1010, by Senator Levy.

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1067, by Senator LaValle, Senate Bill Number 8063-A, 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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1095, by Senator Skelos, Senate Bill Number 6699, an act to amend the General Municipal Law, in relation to bingo.

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 45, nays three, Senators Cook, Seward and Tully recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Also Senators LaValle and Padavan recorded in the negative; also Senator Gold in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1165, by Senator Trunzo, Senate Bill Number 3463-B, 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.

SENATOR PRESENT: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1191, by Senator Cook.

SENATOR STAVISKY: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1210, by Senator Holland, Senate Bill Number 1012-G, 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 48.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number -

ACTING PRESIDENT KUHL: Senator Farley.

SENATOR FARLEY: Could I be recorded in the negative on 663.

ACTING PRESIDENT KUHL: Without objection, Senator Farley will be recorded in the negative on Calendar Number 663. Secretary will continue to call the non-controversial calendar.

THE SECRETARY: Calendar Number 1261, by Senator Larkin.

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

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

THE SECRETARY: Calendar Number 1287, by Senator Rath.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1290, by Senator Stafford.

SENATOR STAFFORD: Lay that aside for the day.

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

THE SECRETARY: Calendar Number 1315, by Senator Tully.

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

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

THE SECRETARY: Calendar Number 1317, by the Senate Committee on Rules, Senate Bill Number 8528, an act to amend the General Municipal Law.

ACTING PRESIDENT KUHL: There's 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 49, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1323, by the Senate Committee on Rules, Senate Bill Number -

SENATOR PRESENT: Lay aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily. Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1324, substituted earlier today, by member of the Assembly Wright, Assembly Bill Number 4218 A, city of New York to reconvey certain real property in the borough of Manhattan.

ACTING PRESIDENT KUHL: There's 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 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1326, by Senator Cook.

SENATOR GOLD: Could we have a day on that?

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

THE SECRETARY: Calendar Number 1327, by Senator LaValle, Senate Bill Number 2486, an act to amend the General Municipal 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 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1328, by Senator Mendez, Senate Bill Number 2579-B, to permit Robin L. Liberman to revoke a previous election of death benefit coverage.

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.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 48, nays 3, Senators Dollinger, Gold and Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1330, by Senator Seward, Senate Bill Number 4262-A, an act to amend the Tax Law and the

Public Service Law.

SENATOR GOLD: Can we have one day on that, please? One day.

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

THE SECRETARY: Calendar Number 1331, by Senator Skelos, Senate Bill Number 5322-B, an act to amend Chapter 879 of the Laws of 1936.

ACTING PRESIDENT KUHL: There's 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 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1332, by Senator Volker, Senate Bill Number 5396-A, an act to amend the Retirement and

Social Security Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section -

SENATOR LEICHTER: Will you hold on a minute? Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1335, by Senator Tully.

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

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

THE SECRETARY: Calendar Number 1336, substituted earlier today, by member of the Assembly Johnson, Assembly Bill Number 9338, an act to amend Chapter 644 of the Laws of 1993.

ACTING PRESIDENT KUHL: There's 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 50, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1339, by Senator Spano, Senate Bill Number 7512, an act to amend the Labor Law.

ACTING PRESIDENT KUHL: Secretary will read -

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1340, by Senator Larkin, Senate Bill Number 7634, an act to amend Chapter 545 of the Laws of 1938.

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 51.

ACTING PRESIDENT KUHL: The bill's passed.

THE SECRETARY: Calendar Number 1341, by Senator Spano, Senate Bill Number 8088, an act to amend Chapter 78 of the Laws of 1989.

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

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

THE SECRETARY: Calendar Number 1342, by Senator Seward, Senate Bill Number 8227, 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 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1343, by Senator Rath, Senate Bill Number 8254, an act to amend the General Municipal 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 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1344, by Senator Saland, Senate Bill Number 8440, an act to amend the Family Court Act.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1346, by Senator Bruno, Senate Bill Number 8573 A, authorizing the town of Clifton Park, Saratoga County, to lease certain park lands.

SENATOR PRESENT: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1347, by Senator Lack, Senate Bill Number 8582-A, an act to amend the General Obligations 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 51.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 1348, by Senator Spano, Senate Bill Number 8590, authorizing the city of Yonkers to discontinue as a park land certain lands.

ACTING PRESIDENT KUHL: There's 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 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1349, by Senator Padavan, Senate Bill -

SENATOR PRESENT: Lay aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

1350, by Senator DeFrancisco, Senate Bill Number 8619, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: There's 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 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1351, by Senator Stafford.

SENATOR GOLD: Can we have one day on that, please?

SENATOR STAFFORD: Please, lay the bill aside.

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

THE SECRETARY: Calendar Number

1352, by the Senate Committee on Rules, Senate Bill Number 8682, an act to amend the Retirement and Social Security 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 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1353, substituted earlier today, by member of the Assembly Pordum, Assembly Bill Number 9057, an act to amend the General Municipal Law.

ACTING PRESIDENT KUHL: There's 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 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: On Calendar Number 1353, Senator Leichter is recorded in the negative. Ayes 50, nays one.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present, that completes the non-controversial calendar. What's your pleasure, sir?

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

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar.

THE SECRETARY: On page 15, Calendar Number 715, by Senator Daly.

SENATOR GOLD: Can we have a day on that, please?

SENATOR DALY: Lay the bill aside for the day.

ACTING PRESIDENT KUHL: Lay the aside for the day.

THE SECRETARY: On page 21, Calendar Number 898, by Senator Rath, Senate Bill Number 7999-A, State Administrative Procedure Act.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Would the distinguished Senator yield for a question?

ACTING PRESIDENT KUHL: Senator Rath, do you yield to Senator Gold?

SENATOR RATH: Certainly.

SENATOR GOLD: Yeah, Senator. I'd just like to know what the amendment is in the "A" print, please.

SENATOR RATH: What the what is?

SENATOR GOLD: I'd like to know what the amendment is in the "A" print, please.

SENATOR RATH: O.K. What happened when it went over to the Assembly for discussion -- and by the way they passed it with the

changed language. The original had the word "reason" in it, the reason that the proposed rule-making, proposed reason of rule was not anticipated.

We've taken the word "reason" out of it because it's a very subjective kind of thing and could have been challenged and we've just made it that the notice of proposed rule making, that rule was not under consideration at the time the regulatory agenda was submitted for publication, very objective now rather than subjective.

SENATOR GOLD: Thank you.

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR LEICHTER: I have a question.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: I just wanted to ask Senator Rath a question if she would be kind enough to yield.

ACTING PRESIDENT KUHL: Senator

Rath, would you be kind enough to yield? Senator yields.

SENATOR LEICHTER: Senator, my notes indicate that this bill was passed last year, was vetoed by the Governor; is that correct?

SENATOR RATH: I understand that's right, Senator.

SENATOR LEICHTER: Now, the amendments that you were just explaining or possibly some other amendment to the bill, does that meet the objection that the Governor had?

SENATOR RATH: Senator, I would have to check with counsel. One moment.

SENATOR LEICHTER: Sure.

SENATOR RATH: Thank you for the delay. Yes, we have worked with the Governor's people on this as we changed the bill from last year's draft. This latest amendment was at the request of the Assembly, our -- in the negotia tion with the Assembly staff and with my staff from the ARRC.

ACTING PRESIDENT KUHL: Senator

Leichter.

SENATOR LEICHTER: Senator, I don't have the Governor's veto message. I have a note here, I don't know if this is accurate, that says that the Governor vetoed the bill because, in his view, existing requirements for regulatory impact and regulatory flexibility make the bill unnecessary.

Now, if that's a correct statement of the Governor's reason, it wouldn't seem that the amendments that you've made to the bill meet the Governor's objections.

SENATOR RATH: Well, I can -- you don't see that the amendments meet the Govern or's objection, Senator, is that correct?

SENATOR LEICHTER: As -- the note that I have. I don't have the veto message there, but it would seem that the reasons that he vetoed the bill last year are not met by the amendments that you describe to us and those amendments you told us had been worked out with the Assembly. Apparently it was not worked out with the Governor's Counsel.

SENATOR RATH: I believe, Senator, that we have a difference possibly in philosophy here. The bill is requiring rather than permitting the Departments of Health, Education, Insurance and EnCon and Social Services to submit for publication to the State Register regulatory agendas forced upon us.

I think there may be a difference in the way the administration would feel about a requirement rather than a permission to submit regulatory agendas. Here we're saying that they must submit regulatory agendas, so I think we have a philosophical difference here with the administration, but the Assembly agrees with us that they should be required.

SENATOR LEICHTER: Yeah, Senator Rath. Let me say, I have -- I have no problem in where we disagree with the Governor's view in passing a bill. The one thing that sort of surprises me, and I raised this last week with Senator Holland, he had a bill that had been vetoed by the Governor and he submitted the very same bill for our consideration, and it seemed

to me that if we have this disagreement with the Governor, and we feel that we're right, then maybe the appropriate thing to do is to move to override the veto rather than sending him a bill which he'll veto, which will come back which then you will resubmit. Doesn't seem that we ever get any resolution then.

SENATOR RATH: Well, this is a substantially different bill. I was again advised by our staff who were here as this went through last year, that substantially this is different, and I recall last week we had one that was not substantially different, but this one is a different circumstance. This one is substantially different.

SENATOR LEICHTER: Thank you, Senator.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of November next succeeding the date on which it shall have become law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1165, by Senator Trunzo, Senate Bill Number 3463-B, an act to amend the Real Property Tax Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Trunzo, an explanation has been asked for by Senator Gold on Calendar Number 1165.

SENATOR TRUNZO: Senator Gold, this is bill to grant counties and other localities an ability to develop and implement a tax abatement program which targets strategic industries. It's an option, you know, a local option program, to provide localities the flexibility, the authority needed to target these heavy tax abatements to key industries within their areas.

SENATOR LEICHTER: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Would Senator Trunzo yield, please?

ACTING PRESIDENT KUHL: Senator Trunzo, do you yield to Senator Leichter?

SENATOR TRUNZO: Yes.

ACTING PRESIDENT KUHL: Senator Trunzo yields.

SENATOR LEICHTER: Senator, what are the standards under which you determine that the ICIB that you're establishing for Suffolk County will have the authority to grant tax exemptions?

SENATOR TRUNZO: Well, under 380 -- Section 385(b) -- 385(b) of the Real Proper ty Law, there is a tax exemption, but it covers everybody; in other words the town, by local option, would cover every individual or heavy industry with a tax abatement.

This section of law we're

creating now would permit a particular community to -- you know, to set up with a board that's being set up at all levels of government to take -- partake in the decision-making of what industries should receive some preferential treatment in tax abatements such as in Suffolk County where a lot of technical industries are moving out there, maybe some incentive for them to come if they can get some tax abatements.

SENATOR LEICHTER: Yes, Senator, if you would be good enough to continue to yield.

ACTING PRESIDENT KUHL: Senator, you continue to yield?

SENATOR TRUNZO: Yeah.

ACTING PRESIDENT KUHL: Senator Trunzo continues to yield.

SENATOR LEICHTER: If I under stand what you're saying, there is presently authority for ICIB tax exemption, is that correct?

SENATOR TREUNZO: There is authority for tax exemptions right now under 485

(b) of the Real Property Tax Law.

SENATOR LEICHTER: Right, and could you explain again how your bill modifies or alters the grant of that tax exemption?

SENATOR TRUNZO: What happens right now under that particular section of law, a town board can elect to go in and give tax exemptions, you know, starting with 50 percent, 40, 30, working for a period or number, I believe of ten years of tax exemption to all industry within that particular community and the town can opt in or opt out of that particular section. If they feel, you know, which I know many towns feel that they can't afford to do this any longer, have stopped giving that exemption.

Now, under this particular legislation, the strategic industries, we are creating a board within the county that includes the cities, the towns, the villages, the school districts and all involved who will make general decisions as to what type of industry, not all industry, but what type of industry should get

an exemption.

SENATOR LEICHTER: So am I correct, as I understand it, that your bill then sets up this board which will have the right and the power to limit the grant of the ICIB exemption to particular industries or industries that create certain number of jobs?

SENATOR TRUNZO: That's right.

SENATOR LEICHTER: And am I also correct there's no standards in your bill as to how they exercise this?

SENATOR TRUNZO: No, there are no standards. This would be a determination by the representatives of all levels of government within that county -

SENATOR LEICHTER: But they have to -

SENATOR TRUNZO: -- to make the decision.

SENATOR LEICHTER: They have the right to limit or modify the grant now which you say is all-encompassing.

SENATOR TRUNZO: Would be all

encompassing, right.

SENATOR LEICHTER: And I'm not sure what I would like to see as the answer to this question, but do you think it would be wise for the Legislature to try to set some parameters, some criteria, some standards as to -

SENATOR TRUNZO: You've got different towns -

SENATOR LEICHTER: What we think makes -

SENATOR TRUNZO: -- different sections of the state; it's a statewide bill. It's not only a Suffolk County bill and you find different industries in different parts of the state that may be, you know, the main industry in that area that they would want to continue attracting and, therefore, those municipalities can make the decision as to who they should give the tax abatement to, to try to encourage the retention of that particular industry in that area.

SENATOR LEICHTER: I tend to

agree with you. I think it makes sense.

SENATOR TRUNZO: Last section.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 1st day of January next succeeding the date on which it shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1191, by Senator Cook, Senate Bill Number 2549 A, an act to amend the Education Law.

SENATOR STAVISKY: Explanation.

ACTING PRESIDENT KUHL: Senator Cook, an explanation has been asked for on Calendar Number 1191 by Senator Stavisky.

SENATOR COOK: Mr. President, in a word, that bill conforms the process by which

small cities would adopt budgets to be the same as the process that's currently utilized by central school districts.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Stavisky.

SENATOR STAVISKY: Would the sponsor yield for one or two questions?

SENATOR COOK: Yes.

ACTING PRESIDENT KUHL: Senator Cook, do you yield?

SENATOR COOK: Yes.

ACTING PRESIDENT KUHL: Senator Cook yields. Senator Stavisky.

SENATOR STAVISKY: Is it true that NYSUT, representing many of the teachers employed in these small city school districts has filed a memo in opposition?

SENATOR COOK: Yes, it is, Senator.

SENATOR STAVISKY: Is it true that the Association of Small City School Districts, the employers has also filed a memo in opposition?

SENATOR COOK: Yes, it is, Senator.

SENATOR STAVISKY: I'm not sure about the next question, but has the New York State School Boards Association also opposed this bill?

SENATOR COOK: I don't have a filing, but it's our understanding they oppose it.

SENATOR STAVISKY: They oppose it, but I've not seen the memo.

Thank you very much, Senator.

ACTING PRESIDENT KUHL: Senator Stavisky, on the bill.

SENATOR STAVISKY: The sponsor, unintentionally I believe, has managed to unite the employer, and the employees in opposition to this legislation. That means that the school boards in the small city school districts and the teachers in the small city school districts think this is a bad idea.

Under those circumstances, there should be some signals to sponsors of

legislation that perhaps there are enough unanswered questions that have generated the opposition of very responsible organizations. It's not often that we find that the school boards as employers and the employee organizations, the teachers' union are in agreement, and I think under the circumstances we in the Legislature should be very careful not to move for the adoption of this bill.

What you have here is a confusion between the things that the voters will be able to vote on and the things they will not be able to vote on. Throughout the state of New York, there's a lot of unhappiness with wasteful expenditures or questionable expenditures, by all types of governments, not just school districts. Towns, cities, villages, counties, are all -- and the state of New York are all subject to the adoption of policies which the voters are not happy with.

If I may quote an organization called CHANGE New York, that's what CHANGE New York was trying to change, and it's not that I

embrace their philosophy, I'm simply saying that they have touched upon a raw nerve. But do we give to the voters throughout the state of New York the opportunity to comment on appropria tions by the state, by the counties, by the towns, by the villages and other units of local government? Absolutely not.

The school districts themselves stand out there as lightning rods to voter dissatisfaction with taxes and expenditures inflicted upon school budgets, and I think that that's unfair, very much unfair in terms of public dissatisfaction with things that are done by government where the only retaliation can be against the school districts. Children do not vote. Therefore, there is an obligation on the part of the Legislature to live up to the provisions of Article XI, Section 1, of the New York State Constitution that we shall provide for a system of free common schools and the funding for such schools wherein all of the children of the state maybe educated; and that doesn't mean that all of the children are

educated in public institutions, but we should not set up a vulnerability, an unintentional vulnerability for the school funding when no other policies of government are subject to voter approval or disapproval.

So what happens? There's a movement to stop unnecessary funding. Bang! The only place where you can express your opposition is in the school vote, and I think given that circumstance, that this is a terribly unfair piece of legislation. It's also unfair because there is not a clear distinction between what is permitted after the defeat of a school budget and what is not permitted after the defeat of a school budget, and the idea of the austerity budget should be clarified.

Right now, even if this were approved, many parts of the school budget are still in limbo. Yes, they can knock out certain expenditures. Yes, they can knock out certain things that they don't like in the budget. But did you note that the basic educational program can't be knocked out? Did you know also that

only discretionary transportation and libraries and the extracurricular activities, including the sports programs which keep many kids interested in the school, interested in attending classes so they can participate in the athletic programs, that will fall victim to this kind of legislation?

I think that, under the circum stances, many of the programs for remediation, some of the needy programs and others will also fall victim to this kind of legislation. Let us decide what should be funded. Let us provide adequate funding at the state level. Let us encourage those cities, small cities, the so-called "Hurd decision" cities, to be able to support at their end with local funding in a fair way the kinds of educational programs that need to be funded.

I live in a large city. Nevertheless I do not wish to see any school child vulnerable because there has been an unfair repudiation of the school budget that is not extended to any other appropriation of

government and, under the circumstances, I urge you to follow the advice of the New York State School Boards Association, the New York State Association of Small City School Districts and NYSUT representing many of the teachers in these school districts. Follow their advice and vote "No" on this bill.

SENATOR COOK: Mr. President.

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: Mr. President, I thought it was kind of interesting that Senator Stavisky mentioned the employees and the employers. The one group he didn't mention was -- and didn't ask me, and that's the people who pay the bill, who are the taxpayers.

Senator Stavisky certainly remembers as well as anyone, probably better than anyone in this chamber, when the constitutional tax limit on small cities was removed. That was done, I forgot how many years ago now. That was done by a Constitutional Amendment, and it was done at the time when a

commitment was made to the people in those districts that, if we removed the constitutional tax limit which was their protection at the time against excessive taxation, that we would substitute for it the vote on school budgets which is what all the other school districts in the state have and that is the reason Senator Donovan, before me, and I have persisted in trying to get this bill passed year after year.

I think it is a commitment that we made to the residents of small city school districts all those years ago, and I won't even argue whether it's a good idea or a bad idea, but it was a commitment on the part of the leadership of this state at the time and, for that reason, if for no other reason, it ought to be passed.

SENATOR STAVISKY: Mr. President.

ACTING PRESIDENT KUHL: Senator Stavisky.

SENATOR STAVISKY: Would you yield for just one more question?

ACTING PRESIDENT KUHL: Senator

Cook, do you yield?

SENATOR COOK: Yes.

SENATOR STAVISKY: Are these taxpayers for whom you speak the taxpayers who finance local expenditures for education, are they the same taxpayers who also pay taxes for county government, city government, town and village government and state government as well as the federal government?

SENATOR COOK: Senator, they are, but indeed they are also the only taxpayers that indeed is the only entity of government that does not have a constitutional tax limit. The school districts are the only entity of government that does not have a constitutional tax limit. That's why they have votes on the budgets because that is a quid pro quo for not having a constitutional tax limit.

These people, the folks who live in small city school districts, are the only people who have neither the constitutional tax limit nor the vote.

SENATOR STAVISKY: It seems to me

that it's just ludicrous -

ACTING PRESIDENT KUHL: Chair recognizes Senator Stavisky.

SENATOR STAVISKY: -- that we should not be concerned with waste and inefficiency in any level of government whether under Republican or Democratic jurisdiction or non-partisan jurisdiction, because waste is waste and unnecessary taxes are unnecessary taxes, and until we give to the voters, the ability to knock out wasteful expenditures by any level of government, and to zero in on these expenditures, to be able to judge what the officials, the local officials of the towns and villages and counties in the state and the federal government have done, I think this beats up on children and they're the ones who suffer and they're the ones who can't vote and they're the ones who do have to be protected, and I think for these reasons and the others that I've stated, this is not the best way to go and we should be prepared to follow the advice of the employers and the employees and responsible

advocates for education by voting "no".

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on this bill?

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, on this bill, I have memos from the city, the small city I represent, Lackawanna, in opposition to this as well as the memos that Senator Stavisky mentioned, and my problem is that I don't know any school districts where their budgets are constantly defeated or not whose local school taxes go down, and in the case of these small cities, the only thing I see happening by having a separate school board budget vote is that their taxes are going to go up eventually and in most of these small cities and in the one I represent in particular, the businesses that are located there want anything but to have school taxes go up and, in their case, most of the business people that have the businesses there do not live there, so they won't even be voting on these school budgets. The school budgets will be increasing, and these

businesses will be taxed to the point that they'll be leaving this city that has all kinds of financial difficulties anyway, mainly because of the departure of Bethlehem Steel's presence and here's a city that's barely surviving, a school district that is in immense turmoil and, although I'd love to see the people have the opportunity to vote, at this point in time, I just can't support this and, for that reason, I'm rising to speak against it and to vote against it.

Thank you.

ACTING PRESIDENT KUHL: Senator Jones.

SENATOR JONES: Yes. On the bill.

ACTING PRESIDENT KUHL: Senator Jones, on the bill.

SENATOR JONES: I voted for the bill last year, and I will vote for it this year, but only because I do believe that voters should have every opportunity for input, but I have to warn, maybe the word I want to say our

colleagues and actually say, you well know we are not giving them a gift. We are giving them something that they have less than ten percent control of, and I live in -- happen to be in a district that has both sides of this fence.

I live in a -- I have many suburban school districts, one of whom this year put up an eight percent tax increase that was resoundingly voted down only to return with a contingency budget that was 8.3. Now, what does that say to voters? It really doesn't say much, what we've given them in the line of voting and then I have on the other hand the big city that you end up with a war between your government entity and your school district, one who's taxing, the other who is setting the budget.

So I will support it only because, you know, I do believe in everyone having an opportunity to vote, but I think we're just passing the buck. I think we also have an additional obligation to start looking at a contingency budget and looking at the whole issue of funding schools and not just be passing

it on to a school district that takes the flack from everybody for what's happening here.

So you know, I have every confidence. I know Senator Cook has been looking for -- at lots of areas in education where we can fix this problem, so I have confidence he will continue to do that, but I think we need to keep that in mind. We really are not giving any gift to a taxpayer who really has say in less than ten percent of what they're voting on.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I concur with the comments that Senator Jones expresses with respect to change in the -- in the way we handle austerity budget and budget votes.

I rise simply to speak in favor of this. I represent, I believe, the eighth largest school district in New York State in the town of Greece, a school district with none - which nonetheless has to put its budgets up for

a vote and, last year in 1993, drew almost 18,000 people out for a school board election, and it seems to me that the -- if we were making a determination that had to do with size, there might be some way to justify an exclusion for big entities that require extensive votes.

But we're not doing that. What we -- what this bill tends to do is to extend to small cities the same requirement that applies to suburban school districts like the one I represent.

I will be voting in favor of this because of the consistency that this bill creates.

SENATOR GOLD: Last section.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 18. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce

the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1191 are Senators Connor, Espada, Gold, Kruger, Leichter, Markowitz, Mendez, Onorato, Paterson, Smith, Solomon, Stachowski and Stavisky. Ayes 40, nays 13.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1287, by Senator Rath, Senate Bill Number 8605.

SENATOR PRESENT: Lay aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1290, by Senator Stafford, Senate Bill Number 443, Environmental Conservation Law.

SENATOR GOLD: Explanation.

SENATOR PADAVAN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1323, by the Senate Committee on Rules, Senate Bill Number 86....

SENATOR PADAVAN: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay aside for the day.

THE SECRETARY: Calendar Number 1332, by Senator Volker, Senate Bill Number 5396-A, an act to amend the Retirement and Social Security Law.

SENATOR LEICHTER: Explanation.

SENATOR MALTESE: Mr. President, this bill really should be called an attempt at equalizing benefits for members of the State Police. It's at the request of the State Police officers.

What this act calls for is the inclusion of 30 days of unused accumulated vacation pay in the final average salary for the purposes of retirement benefits. This bill would liberalize the final average salary calculations for those tier -- all Tier II State

Police officers hired after April 1st, 1972 and all Tier II State Police officers.

The average cost, the -- I'm sorry. It would entail a one-time service cost of $12 million which would be borne by the state of New York as a one-time payment and would be an increase in the annual contributions of the state of New York of approximately eight-tenths of one percent of the annual salary of Tier II police officers.

Tier II members -- Tier II members have, in essence, a cap on the computa tion of final average salaries. These same Tier II police officers are treated very differently than Tier I officers and, in addition, are treated very differently than local police officers. For example, local police officers have the option to convert to a one-year final average salary.

In addition, the local officers generally have a higher mandatory retirement age, have a greater amount of eligible maximum termination pay days and overall are treated

much better as far as retirement is concerned by the pension plan.

So, in essence, what we're trying to do is equalize the benefits of the Tier II police officers and bring them more into line with the benefits already received by Tier I State Police officers.

ACTING PRESIDENT KUHL: Chair recognizes Senator Leichter.

SENATOR LEICHTER: Yeah. Senator Maltese, I notice that in the -- if you will be good enough to yield, please.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LEICHTER: And I appreciate your carrying the cudgels for Senator Volker. I'm -- I miss, I know as everybody does, his being here and arguing for his bills, but I know that you do it very effectively.

But I am concerned as I look at the fiscal note attached to the bill that there's going to be a one-time contribution of $12 million. That's the -- that's just for the

back obligations. Then in addition, of course, there's going to be a continuing cost to the pension system, is that correct?

SENATOR MALTESE: That's correct. The continuing cost after the $12 million payment, as I indicated, would be .8 - eight-tenths of one percent per year, the continuing cost of the change. It would be the difference between the retirement they receive now and the retirement they would receive adding in the accumulated 30 days of unused vacation pay.

SENATOR LEICHTER: Senator, where are we going to find the $12 million for that one lump sum payment?

SENATOR MALTESE: I'm advised that some of the $12 million is, in fact, included in the budget. How much? It's going to roll into two fiscal years, so apparently there is -- there is or there has been some steps taken so that the present budget and hopefully next year's budget would cover the $12 million expenditure.

SENATOR LEICHTER: Senator, was that $6 million put in the -- what, the state appropriations?

SENATOR MALTESE: Mr. President, I'm advised that because the -- these expenditures would not be made until these members of the State Police force applied for retirement the majority of this expenditure would not be made except in future years and that apparently they're figuring out that it would be four and eight, $4 million in the coming year and $8 million in the year thereafter.

SENATOR LEICHTER: And Senator, did I understand you correctly that we have put money in the budget for that specific payment?

SENATOR MALTESE: Is that so? That's what we're advised.

SENATOR LEICHTER: Senator, I accept what you say. I'm surprised because that wasn't my belief, but -

ACTING PRESIDENT KUHL: Senator Maltese, do you continue to yield?

SENATOR MALTESE: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LEICHTER: Let me turn to what, as I understand, the rationale for this bill. There's the difference between what presently exists between Tier I and Tier II as it affects the State Police, is that correct?

SENATOR MALTESE: That's correct.

SENATOR LEICHTER: Would you be in favor of wiping out all the distinctions between Tier I and Tier II?

SENATOR MALTESE: Yes, I -- Mr. President, I don't know how Senator Volker would feel, but I would be in favor of wiping out the distinction as it affects members of the State Police and local police.

SENATOR LEICHTER: Senator, can I try to understand your rationale, why you want to wipe out that distinction only for the State Police? There are other employees of the state, in fact, they sit right here. Some are Tier I,

some are Tier II, some are Tier III. Would you be in favor of wiping out those distinctions?

SENATOR MALTESE: Mr. President, those distinctions have built up over a long period of time. Because I have a personal interest, I'd rather not comment on our -- our benefits, but as to members of the State Police and as to members of local police forces, I feel that they are entitled to the extra recompense, they are entitled to the extra benefits and, if they serve the minimum amount of years, 20 years, and if they have reached the permitted age of retirement, 55 I believe, then -- or a combination thereof, then I believe they should receive the same benefits.

SENATOR LEICHTER: Senator, I'm still having a difficulty in understanding why you distinguish between State Police and local police and other employees of the state.

SENATOR MALTESE: Mr. President, that's the very point I'm making.

ACTING PRESIDENT KUHL: Senator Maltese. Senator Leichter, are you asking him

to yield to a question?

SENATOR LEICHTER: Yes, if you would, please.

ACTING PRESIDENT KUHL: Senator Maltese, will you yield to a question?

SENATOR MALTESE: Mr. President, that's the very point I'm making. My question to Senator Leichter should be why do you distinguish between members of the local police and members of the State Police who are in Tier II?

At the present time, there is a great distinction, and these State Police covered under Tier II are treated differently and are treated and are, in fact, discriminated against by receiving far less benefits.

SENATOR LEICHTER: If Senator Maltese will continue to yield.

ACTING PRESIDENT KUHL: Senator Maltese, do you continue to yield. Senator continues to yield.

SENATOR LEICHTER: Senator, I happened to vote against setting up these

various tiers because I think it did create some invidious distinctions, and I think made it difficult people working side by side performing the same duty and yet receiving far different benefits, but what I don't understand is why that problem exists only in the State Police. Doesn't it exist in other services to the state of New York, where we have Tier I and Tier II and the same differences in retirement exist?

SENATOR MALTESE: Mr. President, I think the good Senator Leichter would agree that, while service as a state Senator or other service for the state in an administrative capacity or any clerical capacity would have its sacrifices, I don't think that there would be much disagreement that service as a State Policeman would entail more risk, more danger and thus, in my opinion at least, be entitled to additional benefits.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Maltese, do you continue to yield? Senator yields.

SENATOR LEICHTER: You're absolutely correct that State Police, local police take a risk; in some respects, we can never compensate them enough because these are people who risk their lives for us, but that still doesn't explain, Senator, why we would permit discrimination in pension and that's really what you're saying, pension benefit for some employees, but we're saying that for the State Police the nature of their duty makes that sort of discrimination unwise.

I don't understand it. I think it's a matter of the compensation that you give the State Police, but I can't -- I can't accept the argument that discrimination and pension benefits is -- is acceptable for all state employees except State Police, but that's your position, isn't it?

SENATOR MALTESE: Mr. President, that isn't exactly my position. I am aware that there are many fiscal and financial restraints. There are many restrictions and confines within which we have to operate, and we have to work as

a fiscally responsible Legislature. The - certainly many of us would feel that we should be more generous to various of the employees, past and present, of the state who are now receiving retirement benefits. At the same time there are costs involved, and it will take time and it will take legislation and good will on the part of many people to try to, in some cases, equalize but hopefully in all cases utilize the element of fairness so that we can remedy any of the inequities.

This appears to be an inequity as it relates to members of the State Police, a law enforcement body, and this legislation is a partial answer as it relates to members of the State Police to equalize their benefits and the benefits of the other members of the State Police in Tier I and local law enforcement officials -- policemen.

SENATOR LEICHTER: Yeah, Mr. President. If Senator Maltese will continue to yield.

ACTING PRESIDENT KUHL: Senator

Maltese, do you continue to yield?

SENATOR MALTESE: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR LEICHTER: Senator Maltese, this bill deals with the pension discrimination, if you will, or variation between Tier I and Tier II. How about those police officers, State Police, local police that are in Tier III? You're still going to have a distinction between men and women serving in the State Police doing the same duty. Some now are in Tier III; I guess we also have Tier IV, which have different pension benefits.

Why does your bill just address the difference between Tier I and Tier II and I understand, it's Senator Volker's bill.

SENATOR MALTESE: Well, Mr. President, certainly there is a distinction here and we are working within certain confines, fiscal restraints, and it affects a certain amount of members of the State Police in Tier II. Certainly, if Senator Leichter would care

to introduce a bill applying to members of Tier III, it certainly would be -- as it relates to State Police, it would be a bill that I would look sympathetically on and I personally, I don't speak for Senator Volker, but a bill that I could support.

SENATOR LEICHTER: Mr. President, first let me thank my good friend for his answers and they're articulate and forceful and somewhat persuasive, but not fully persuasive as always.

ACTING PRESIDENT KUHL: Senator Leichter, on the bill.

SENATOR LEICHTER: Just on the bill.

My colleagues, I've often gotten up on the floor and tried to argue for consist ency and logic and, much as I'd like to benefit members of the State Police for many reasons, primarily, of course, the service that they do to the people of the state of New York, but I have difficulty with the rationale of this bill.

Even if I could accept, and I do not, the argument that we have to treat State Police differently because of the nature of their work, it seems to me that ought to be reflected, and I think is reflected in their pay and since we've established a state policy that we would have various tiers on pension benefits, I can't say that I can exempt members of the State Police from that.

But this bill doesn't even wipe out all of the distinctions. All it does, it deals with one distinction that exists between Tier I and Tier II and far from creating greater uniformity, this creates greater exceptions and I -- I've argued against that on the floor in any number of areas. I -- I don't think, Senator Maltese, it's an answer to say, well, you made a good point. Why don't you put in a bill. If -- if the logic of your argument is going to prevail, Senator, then it seems to me that it's the obligation of the sponsor or you, as the person who is defending this bill, to say, You know something? You're right. I'm

going to wipe out all the distinctions and I can't see that we would say, Well, you know, we've got $12 million, we'll apply it just to wiping out the -- this difference between Tier I and Tier II for one class of people.

I have a lot of question that there really is money in the budget for this, because I can not understand why we would put up money solely for this class of state employees. I don't think there's any basis or rationality for it and, for that reason, much as I'd like to assist and help and compensate and reward State Police, I just don't think there's a logic to this, and I just don't think that we can respond in this helter-skelter fashion to this group, that group, part of a group, this individual, that individual.

We have a responsibility. We're legislating for 18 million people. We need a consistency in our laws. We need uniformity in our laws. We need fairness in our laws and, frankly, under those tests, Senator Maltese, I'm afraid that Senator Volker's bill fails.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will the sponsor yield to just one question?

ACTING PRESIDENT KUHL: Senator Maltese, do you yield to just one question?

SENATOR MALTESE: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: As I understand it, this bill would require an annual employer contribution of .8 percent of the Tier II salaries for State Police officers?

SENATOR MALTESE: Yes, eight-tenths of one percent.

SENATOR DOLLINGER: Eight-tenths of one percent of what number is the question? What's the annual payroll for Tier II State Police officers, if you know?

SENATOR MALTESE: We -- Mr. President, I understand that Senator Volker's office requested a fiscal note. They did not

give the annual payroll of the State Police but simply indicated that it was eight-tenths of one percent of the annual payroll.

SENATOR DOLLINGER: O.K. So we don't know what that annual contribution will be on the state.

Just a follow-up question, again if Senator Maltese will -

ACTING PRESIDENT KUHL: Senator Maltese, do you yield to a follow-up question?

SENATOR MALTESE: Mr. President, I understood there was only one question, but I'll be glad to yield.

SENATOR DOLLINGER: I thank my colleague for his deference, Mr. President.

My question is, obviously there's a difference between the Tier I and Tier II approach to State Police officers. There must be a logic behind that differential. What was the differential and what, if anything, has changed that would require us to re-examine it?

SENATOR MALTESE: Mr. President,

I didn't hear the end of the question.

SENATOR DOLLINGER: Well, there is a difference between the Tier I and the Tier II pension requirements and benefits with respect to vacation, the others that are outlined in the sponsor's memo. My question is, why are those differences -- why do they, exist because they are obviously part of when we passed the Tier II system there is obviously an explanation as to why we couldn't continue Tier I, and my question is what has changed now since then to have us re-examine that rationalization for the difference?

SENATOR MALTESE: Mr. President, the differentiation between Tier I and Tier II, of course, relates to the point of beginning of service. As to what has changed, I think the passage of time and the fact that probably a majority of the Tier I employees have already retired in view of the mandatory retirement age of 55, and obviously, the class that we're dealing with now is a much larger proportion of the present members of the State Police.

But, Mr. President, I'm aware that doesn't completely answer the question as to what factor brought this change about. I don't know.

SENATOR DOLLINGER: I guess, Mr. President, I guess my final question then would be, was it because we couldn't afford it the first time around; is that why we changed from Tier I to Tier II and changed the requirements because it was too expensive?

SENATOR MALTESE: Mr. President, obviously most of the decisions relating to pension are made over a period of time taking into consideration the number of people affected, taking into consideration the comparable pension plans in private industry, in government service, and I imagine the most compelling factor is a -- the fiscal situation prevailing at the time as far as taxpayer dollars available for those priorities.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Secretary

will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 51, nays two, Senators Leichter and Paterson recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1339, by Senator Spano.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Spano, an explanation has been asked of you for Calendar Number 1339 by Senator Gold.

SENATOR SPANO: Mr. President, this bill would require that when a temporary

employee does not contact the temporary help firm for reassignment when that original assignment is completed, it would be deemed a voluntary quit and the employee would not be eligible for unemployment insurance benefits.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Gold.

SENATOR GOLD: I just want to point out that there is a memorandum in opposition on this from the New York State AFL-CIO, which basically says there is no set definition of, quotes, "temporary employee" in New York State law. The definition is important given the issue of employee leasing which has consumed so much attention of late. A recurrent question is whether the temporary agency is, in fact, an employer and whether appropriate levels of social insurance premium are being paid on behalf of workers referred by such agencies.

Senator Spano, maybe you want to comment on that?

SENATOR SPANO: Mr. President.

ACTING PRESIDENT KUHL: Senator Spano.

SENATOR SPANO: I believe that this bill does address some of the concerns of AFL-CIO. I don't quite understand some part of the memo. They're mixing apples and oranges by comparing temporary employees to employee leasing, but it is a fact here that the temporary agencies are, in fact, employers and must pay all of the benefits that are due to the employees who are working for them.

SENATOR GOLD: Well, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: The memo which I just referred to has a time stamp in my file of May of this year, and it's been around and I see no amendment, Senator Spano, so there's been no withdrawal of their opposition and apparently no attempt to change any language to make them more secure. So they stand apparently where they were in the beginning, opposed to the

legislation for the reasons stated.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1339 are Senators Espada, Gold, Leichter, Markowitz, Mendez, Onorato, Paterson, Smith, Solomon, Stachowski and Stavisky. Ayes 42, nays 11.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1344, by Senator Saland, Senate Bill Number 8440, an act to amend the Family Court Act.

SENATOR GOLD: Mr. President, will the Senator yield to a question?

ACTING PRESIDENT KUHL: Senator Saland, do you yield to Senator Gold?

SENATOR SALAND: Certainly.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Senator, I'll try and move this along a little bit.

My understanding from the memo on the bill is that we're trying to create a statutory proceeding which you say does not now exist if someone is in violation of an order, is that correct?

SENATOR SALAND: Presently, I believe it deals with the 600 section of the Family Court Act.

SENATOR GOLD: This basically deals in an area of terminating parental rights, is that correct?

SENATOR SALAND: Correct, right. There's reference to the suspended sentence or suspended judgment, but there's no mechanism that has been created to basically deal with that if, in fact, it occurs.

SENATOR GOLD: Right. Well, Senator, now that I think we all understand

generally what we're talking about, this is the concern that's been raised by our counsel, Senator Saland. These are proceedings and these are areas dealing with the termination of one's parental rights, not in a voluntary manner but by hearing, et cetera, and under existing law, as I understand it, if you want to terminate the rights, under Section 624, the evidence must be competent, material and relevant and further, if there's a dispositional hearing on terminating parental rights, it says "material and relevant."

Now, under your bill which sets up a procedure, and I'm not arguing with the concept of the procedure, you only make reference to competent evidence, and that seems to be a lower degree of evidence than it would be if it was in line with the other sections, material and relevant and competent, and the only question we have is, not setting up the procedure, Senator, but when you're dealing with such a sensitive area of terminating parental rights of a human being, why would we want to

lower the standard of evidence?

SENATOR SALAND: Senator Gold, I'm not quite certain that there's any intention here to reduce the standard, and I would certainly think that, in any proceeding, any material and relevant evidence would be admitted. Whether this was an oversight in draftsmanship, I'd be more than happy -

SENATOR GOLD: Will the Senator yield to a question?

SENATOR SALAND: Yes.

SENATOR GOLD: Senator Saland, knowing your reasonableness, I would have spoken to you about it. This was given to me at a late moment. Is it something that you might want to lay it aside a day?

SENATOR SALAND: I will lay it aside for the day.

SENATOR GOLD: And look it over. I think the concept of having the procedure, you're absolutely right. Thank you, Senator.

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

THE SECRETARY: Calendar Number 1349, by Senator Padavan, Senate Bill Number 8610, an act to amend the Vehicle and Traffic Law.

SENATOR GOLD: One moment, please.

Explanation.

ACTING PRESIDENT KUHL: Senator Padavan, an explanation has been asked for by Senator Gold.

SENATOR PADAVAN: Yeah. This bill relates to the matter of driver's licenses or non-driver identification cards. It requires that such documents be issued upon presentation that the individual is a lawful resident of this country.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Mendez.

SENATOR MENDEZ: Would the Senator yield for a question?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: Senator Padavan yields.

SENATOR MENDEZ: Senator Padavan, we know about the pre-occupation that all of us have in terms of illegal immigration. Don't you think that this bill of yours is assuming the function of the federal government? Shouldn't it be the federal government the one who should be checking whether or not people are here illegally or not without burdening our agency with another function of finding out whether someone who is applying for a driver's license is a legal resident, a citizen or an illegal alien?

SENATOR PADAVAN: Let me answer your question, Senator. The prerogative and authority to issuing driver's licenses remains with the state. We obviously do not want to issue driving license or identification cards which, as you know, you don't have to be a driver, you can go to Motor Vehicle Bureau and get an I.D. card photo to someone who is in this country illegally, because sometimes things happen that we don't want to happen.

As an example, a bus driver

driving family members on the New York State Thruway from one of our prisons to the city of New York involved in a very serious accident, a number of people seriously hurt, including children, one fatality, police came to the scene, they found out, number one, he was an illegal alien; number two, he had a driver's license that had been issued to him, and he also had a forged Social Security card. Now, I don't think we want that sort of thing to happen.

Now, the federal government, INS which you mention, neither has the resources nor the mechanism for monitoring a state's issuance of a driver's license. They're nowhere in that system. That's why the state of California, the state of Colorado and most recently the state of New Jersey have adopted this particular proposal.

You must also keep in mind that when someone who should not be in this country, and I say is here illegally, and you could be here legally in many ways, you know; you don't have to be -- you could be here on a visa,

student visa, work permit, asylum, all kinds of ways of being here legally, but people use motor vehicle driver's licenses to then become the way of entering into other programs such as social services, which also we certainly don't want to have happen, and that's the reason for this.

If INS was equipped, designed, authorized to check all our drivers' licenses that we issue, it would be right, but they're not.

SENATOR MENDEZ: So then, your reason then for this bill it follows that whenever the federal government, any federal agency, is unable to do the job that they're supposed to do, then we at the state level must take on those functions. But I have another question for you, Mr. President, if he yields.

ACTING PRESIDENT KUHL: Senator Padavan, do you continue to yield? Senator yields.

SENATOR MENDEZ: And that is that, you know that the last immigration law that was passed, I believe in 1986 established

the -

SENATOR PADAVAN: 1990.

SENATOR MENDEZ: -- functions, penalties for employers who would, in fact, hire illegal aliens.

SENATOR PADAVAN: Right.

SENATOR MENDEZ: How would this affect the aliens? This bill will be affecting a lot of businesses. Hopefully, we would like all the businesses not to hire illegal aliens but unfortunately the law of the land is that they would have to pay a penalty, so your bill will be affecting businesses because many - assuming that there are businesses that are hiring illegal aliens, they go to the Motor Vehicle Bureau and upon finding that -- that documentation presumes that they are illegal aliens, then it's very easy to go after this business person.

Who knows, maybe accidentally -

SENATOR PADAVAN: I don't know if that's a question or not, Senator, but that's just simply not the case. This bill places, as

you accurately stated, your first question, a responsibility on the Department of Motor Vehicle Bureau to ensure that driver's licenses are not issued to people who are in this country illegally and it has no relevance to employers. Matter of fact, I guess you could think, if you wanted to really carry this out, it might help employers who unwittingly -- unwittingly might hire an illegal alien and violate federal law because someone showed them a driver's license that they shouldn't have got in in the first place, so I see no negative impact on employers.

SENATOR MENDEZ: Look -- thank you. Mr. President.

ACTING PRESIDENT KUHL: Senator Mendez.

SENATOR MENDEZ: On the bill.

ACTING PRESIDENT KUHL: Senator Mendez, on the bill.

SENATOR MENDEZ: I know that Senator Padavan is very meticulous in trying to -- in the legislation that he submits, to this

chamber. I know that he cares and he is very well intentioned. On the other hand, my problem with this bill is that it is an instance more in which, although it appears to be all right on the surface and that all of us red-blooded Americans will support that concept, that those that are not supposed to be in this country, we should chase them out, and that is acceptable; yet on the other hand, it gives me the feeling, Mr. President, that there are I am seeing now too many, too many instances of immigrant bashing occurring throughout the country, and this bill definitely will have, I believe, an impact on small businesses, who unwantingly might or knowingly might hire an illegal alien and that person suddenly would find him' or herself with a heavy fine for something that he or she didn't know that they were breaking the law.

Also, why should we at the state level impose a greater burden on those employees and on that agency to do their work when we are not providing extra amounts of monies to do so?

The -- the illegal aliens, it is important to apprehend them and to deport them, that is a function of the United States federal government and I don't think -- we have plenty of troubles in New York, in New York State. I don't think that we should take on that function.

Therefore, Mr. President, I will not be supporting this bill.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Leichter.

SENATOR LEICHTER: Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Leichter, on the bill.

SENATOR LEICHTER: You know, at least the first response to this bill is that, well, this is reasonable. I mean why should we make this benefit of driving a car in New York available to somebody who isn't here legally? The more I think about it, Senator Padavan, well, the more I'm inclined to agree with our colleague, Senator Mendez, but I'll tell you one thing that from the very beginning in looking at

this bill that somewhat disturbed me, and that's your legislative findings and declaration which I guess embodies the view that seem to underlie the report that you recently put out that undocumented aliens are such a burden on the state of New York, and you have statements in here that I, frankly, think are somewhat inaccurate as well as maybe being somewhat offensive.

For instance, you state the Legislature also finds increasing evidence that undocumented immigrants account for a growing percentage of the under custody population of our state prison system, implying that undocumented aliens or undocumented persons in this state are inclined to criminality.

You state: The Legislature hereby finds and declares that illegal immigration in New York State is a serious and growing problem for the state. I don't believe that's the case. In fact, just recently, I think Mayor Giuliani was heard to say that he found that the number of undocumented people was

actually a help and a boon to the city of New York. I believe that I have read that statement and I'm -- and I'm representing it accurately.

So I -- even if I were in favor of the bill, I would have some problem with your declaration of findings and legislative intent. But also the more I think of the bill, Senator, I think that it is the role of the federal government to deal with the problem of immigration. I assume that, if the state wanted to and thought it was necessary and thought it was appropriate and had the money for it, there are a number of things that we could do to enforce the federal immigration laws. We could volunteer any sort of action, but I don't -- I don't know what the benefit is for the people of the state of New York in doing this.

I also don't know what the consequences are, of saying that now Department of Motor Vehicle has to check everybody's right to be legally in the country. In some respects that could be easily done if you can locate your birth certificate which I believe most people

can't. If you could, if you have a passport, although even now, frankly, to my surprise the Department of Motor Vehicles doesn't even - doesn't even accept a passport as sufficient identification.

SENATOR PADAVAN: Senator, will you yield? You know, I've listened to about a half a dozen errors, and so I'm disposed to rise and this last point is particularly erroneous.

I would give you a list, I'll hand it to you, but let me read you some of them, of all the documents that are acceptable to get a driver's license: The birth certificate obviously, passports, visa -- all -- it's a whole list of documents that you can produce at the Motor Vehicle Bureau as a basis for getting a license.

You can even be an asylee, someone who has come to this country seeking asylum, given that entree, and get a driver's license. You also get a Social Security card. There are dozens and dozens of ways to legally make application and receive a driver's

license.

All we're saying in this bill is make sure there is one of them. They are not odious in any extent. We are not enforcing the immigration laws. We are simply issuing a license in this state an appropriate valid way because it's necessary to do that. We don't want people with driver's licenses in New York State who are in this country illegally.

Yes, a number of them are here illegally to break our laws. That's why 8,000 of them are in our state prisons. Half of that number are here illegally. It is a problem whether you care to acknowledge it or not.

SENATOR LEICHTER: Senator.

ACTING PRESIDENT KUHL: Senator Leichter has the floor.

SENATOR LEICHTER: Since you started off saying you wanted to ask me a question, let me -- let me respond. Insofar as the documentation that the Department now accepts, I just went through that because my wife, as happens occasionally, lost her driver's

license. To get a new license, to my surprise, it was not sufficient to give them a copy of her passport and, if you'll read the paper that you have, they provide that you have to establish your identity by various documents that add up to a number of, I believe it's six. A passport to my disbelief, if you read this, is -- is a value of only two or three, so by itself, it was not sufficient.

SENATOR PADAVAN: True.

SENATOR LEICHTER: And, in fact, I wrote to the Commissioner and said I felt that was absurd. I think if somebody comes in and shows I have a valid U.S. Passport which says "I am Nina Leichter," that that is sufficient identity and, therefore, I think I am correct, Senator, when I say that the problem of establishing your legal right to be in this country is not that easy.

You are imposing a burden on everybody in this state. Just think about it for a moment, particularly if a passport is not sufficient to show that you're legally in this

country, and I would hope the Department, if your bill should become law, would make regulations that would accept the passport and I'd be inclined to believe that they couldn't be so foolish as not to do this.

But a lot of people don't have passports. A lot of people can't find their birth certificates. How do you begin to establish that?

Senator, it is a burden and Senator Mendez is also correct when she says it imposes a whole range of duties upon the Department of Motor Vehicles that certainly is going to be expensive. So I think we've got to ask ourselves, what benefit do we get from it? What is the cost? What is the burden that we put on all the people of the state?

And finally, what is the rationality? If the rationality is that we in New York State should do everything we can to push undocumented aliens out of this state, leaving aside the whole question of whether Mayor Giuliani is right or wrong when he says

that we benefit from undocumented aliens, but I just question whether that's a function that the state should take on, and in some instances as you know, constitutionally we can't even do it.

Do you want to go one step further and say undocumented aliens cannot be admitted to emergency rooms of hospitals? Do you want to say undocumented aliens can't be admitted to the schools? Undocumented aliens cannot receive other benefits or rights that other people in this state have and that we want to give or up to now at least until your bill came along, that we said that we would give to everybody in this state?

So Senator, I think as we look at the bill and think about it a little more, it certainly raises, I think some serious questions and I think it's probably, on balance, an unwise bill.

ACTING PRESIDENT KUHL: Senator Padavan, why do you rise?

SENATOR PADAVAN: I'd like to speak to the comments raised.

ACTING PRESIDENT KUHL: Senator Connor. Got a list going.

SENATOR PADAVAN: I didn't know you did.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Will Senator Padavan yield for a question?

ACTING PRESIDENT KUHL: Senator Padavan yields.

SENATOR CONNOR: Thank you, Senator, and I apologize. I came in after the debate began, and you may have answered this, but I'm curious about the part of your bill that talks about the Commissioner of Motor Vehicle entering into an agreement with INS.

SENATOR PADAVAN: Yes, the computer exchange.

SENATOR CONNOR: Does INS agree to a statement like this?

SENATOR PADAVAN: They are

working that out in California, so it's something else to be explored.

SENATOR CONNOR: Thank you.

SENATOR PADAVAN: Just to answer your question more fully and while I'm answering yours, it might answer Senator Leichter's.

The bill does require the Department to develop regulations which could correct even what he was talking about with regard to the visa because we are giving them that mandate which gives regulations as to how to identify someone who is here legally which could not only serve a useful purpose dealing with the illegal population but those who are her legally.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT KUHL: Senator Connor on the bill.

SENATOR CONNOR: Perhaps I can clarify something. Senator Padavan says, well, they're working it out in California and they'll work it out here.

Well, my colleague, Senator

Nozzolio, held hearings last year on election law matters and the testimony from the state officials who administer elections in our state is that, when they go to INS to determine if somebody is a citizen or an alien or whatever, somebody who is actually voting, that INS tells them it's confidential, and they won't tell the state officials that.

Now, I can not believe they're going to suddenly give the Motor Vehicle Department this information if they won't give the election officials this information. They don't give this out. This is wonderful. I read this bill. I say yeah, you have to prove all this stuff to get a driver's license, and I assure you, someone can register to vote, show no identification. We don't require that, show no proof of citizenship, merely answer the question, are you a citizen, and if they check "yes," they vote, they are voting, but Senator Padavan thinks driving is a sacred fundamental underpinning of American democracy, I suppose, and we ought to have this extraordinary length

here.

The fact of the matter is this bill is not well thought out. It's a reaction, it's a "me-tooism" to places like California, I think perhaps Colorado where "know-nothingism" seems to prevail, and everybody is in a panic over the numbers of illegal immigrants in those states, and so now we have a bill where, well, we're sure the Commissioner of Motor Vehicles can work out with the Immigration and Naturalization Service an exchange of informa tion by computer when, in fact, our own state election officials can't even get INS to give them any information about the alien status of alleged citizen voters, and we require none of this proof or information for people to vote.

Now, perhaps that comparison, Mr. President, ought to convince my colleagues just how silly and off-the-mark this bill is. You know, if you're not going to chase aliens away, making their life miserable, you're not going to stop somebody who is illegally in the country from driving by not giving them a driver's

license.

You may stop them from driving with insurance, which is something we ought to think about. I don't know that we want to do that. I don't know that an illegal immigrant who is determined to drive ought to be denied a driver's license because they just might go and drive, and the one thing we know is they'll do it without insurance. Who gets hurt then, Mr. President? Who gets hurt then when the accident happens and the driver is uninsured, because he or she couldn't get a driver's license because they were an illegal immigrant?

It just seems to me awfully silly to come down on this about driver's license when, in fact, on the other hand, we have absolutely no information, no requirements with respect to voting where we have a clear law in New York State requiring citizenship for a voter, but we don't ask for any of this informa tion and when the election officials get allegations that so and so, a voter in that E.D. is not a citizen and they call up INS, they're

told it's confidential, we can't tell you. But somehow or other, Senator Padavan thinks, he's very confident that the Commissioner of Motor Vehicles is going to get this information.

ACTING PRESIDENT KUHL: Senator Padavan, to close debate.

SENATOR PADAVAN: Very briefly, Mr. President.

Senator, you can add New Jersey to your list of those states whom you have a certain amount of disdain for because they, in the latter part of 1993, also adopted this law which is now going into effect just recently.

So obviously we now have three states, two very large states. There are six states that have a large immigration problem, New Jersey, California, obviously among those six.

The fact remains this is not a panacea to our problems of illegal immigrants which are very numerous, but it's one item of many that have been recommended and many which

we will pursue, so you might get used to the idea that we're going to try here to be dealing with in those areas where we can help ourselves in dealing with this problem. Maybe voting will be one of them, and we'll rely upon your expertise, Senator, to deal with that part of it because obviously it's an area that should be dealt with.

But that's not the issue today. Driver's licenses obtained fraudulently are being used to gain entree for social services and a whole host of areas where illegal aliens should not be. I gave you one incident. You may not have been here, where someone, an illegal alien who got a driver's license who ended up injuring 14 people and killing a person on the New York State Thruway.

Now, the employer didn't know that he was an illegal alien, I presume, but somehow he got a driver's license.

SENATOR CONNOR: Mr. President.

SENATOR PADAVAN: Senator, I'm not going to yield.

ACTING PRESIDENT KUHL: Senator Connor, why do you rise?

SENATOR CONNOR: I wanted to ask the Senator to yield to a question.

SENATOR PADAVAN: I'm not going to yield.

ACTING PRESIDENT KUHL: Senator Padavan refuses to yield.

SENATOR PADAVAN: The state is - this is just one area where the state, this state or any other state, has authority and responsibility and that is in issuing a driver's license, and that's the issue we're addressing today. It's not solving all of the problems by a long shot, but it certainly is dealing with one area that I think we should be dealing with as other states have already dealt and have done so.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Mr. President, this bill -- and in committee I raised an issue and it comes out of Senator Padavan's memo and

it was the reference he just made and that's to somebody who was an illegal alien having an accident and injuring some people, and I think that there's just really no validity to the comparison. I mean there are people, unfor tunately who are running people over all over this state, and we find out that they're driving taxis, they're driving this; we find out their licenses have been suspended 17,000 times.

If people are going to drive, Senator Padavan, they are going to drive. I think that the offensive part of the bill goes back to the beginning with Senator Mendez and I have notes here about the non-insurance and the driver's licenses and all that, but the offensive part of the bill goes back to Senator Mendez, and it goes back to the beginning.

If you analyze what we do in this legislative session and other legislative sessions, you'll find, if you examine the laws, I'm talking laws now that we make, adjustments to our motor vehicle laws and our health laws and the insurance laws, et cetera, et cetera,

and when you finish with all the laws and you finish with everything we've done which is real, why don't you take a look at some of the one house bills and if you now examine the one-house bills that come out of your house in this house, you find that we are concerned about people's draft status and then keeping them out of schools or doing things with them, you'll find out that we have ordered college students to salute the flag, to sing the Star Spangled Banner, you'll find out that all of a sudden, all of a sudden the federal government is incompetent to handle patriotism and to handle all of these issues and, interestingly enough, Jimmy Carter has only been the President a little time, you were passing all of this stuff when we had Bush and we had Reagan and apparently with all of the morality coming out of those two brilliant gentlemen as leaders in Washington, we still felt that we had to take on the obligations of the federal government.

We ought to really cut that out. We ought to really cut that out. There was an

editorial in the paper today questioning whether we would leave Albany without a significant crime bill. There are editorials throughout the state asking if the Legislature is going home on Friday. Are we taking care of this problem and that problem? There is plenty within the state jurisdiction for us to be able to handle, but when we see these bills, and somebody made the comment, Well, you know, you take a look at it, you get a driver's license maybe, maybe, but when you start to analyze the philosophy that goes behind some of these bills, as Senator Mendez has done, we are the wrong group in the wrong pew and there's enough to do in this state, and I would urge us to vote against this bill and make it clear on each occasion that we ought to redirect our energy, we should be redirecting our energies to those state issues where we can have an impact.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 180th day after it

shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1349 are Senators Connor, Espada, Gold, Leichter, Markowitz, Mendez, Paterson, ayes -- also Senator Lack. Ayes 45, nays 8.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Mr. President may I have unanimous consent to be recorded in the negative on Calendar Number 1339.

ACTING PRESIDENT KUHL: Without objection, Senator Connor will be recorded in the negative on Calendar Number 1339.

Return to motions and resolutions for a moment, Senator Present; is that O.K.? O.K. Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, I wish to call up my bill number 813 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Nozzolio, Senate Bill Number 813, authorizing the county of Cayuga to convey certain easements.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Seward.

SENATOR SEWARD: Yes, Mr.

President. On page 21, I offer the following amendments to Calendar Number 952, Senate Print Number 7905, and ask that the bail retain its place on the Third Reading Calendar.

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

Senator Present.

SENATOR PRESENT: Mr. President, before I lose the audience, as I have informed you before, we intend to conclude business this Friday for this session. Therefore, any member wishing to amend a bill that's on the calendar should do so by tomorrow. Bills amended after tomorrow will not be aged by Friday and, therefore, would not be able to be considered for now.

ACTING PRESIDENT KUHL: Thank you, Senator Present.

Senator Seward to continue.

SENATOR SEWARD: Yes. Along that vein, I have three more amendments to make

here.

On page -- on behalf of Senator Levy, on page 38, I offer the following amendments to Calendar Number 537, Senate Print Number 7430, and ask that the bill retain its place on third reading.

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

Senator Seward to continue.

SENATOR SEWARD: Also on behalf of Senator Levy, on page 9, I offer the following amendments to Calendar Number 486, Senate Print Number 1245, and ask that that bill retain its place on the Third Reading Calendar.

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

SENATOR SEWARD: On behalf of Senator Saland, on page 30, I offer the following amendments to Calendar Number 1325, Senate Print Number 797-B and ask that that bill

retain its place on third reading.

ACTING PRESIDENT KUHL: Amendments are received and adopted. Bill will retain its place on the Third Reading Calendar.

Senator Smith.

SENATOR SMITH: Thank you. Mr. President, I would request unanimous consent to be recorded in the negative on Calendar Number 1349.

ACTING PRESIDENT KUHL: Without objection, Senator Smith will be recorded in the negative on Calendar Number 1349.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, I wish to call up, on behalf of Senator Wright, Bill Number 4718, having passed both houses and not delivered to the Governor.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Wright, Senate Bill Number 4718, an act to amend the Highway Law.

SENATOR DiCARLO: I now move to

reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on page 41, on behalf of Senator Farley, I offer the following amendments to Calendar 1032, Senate Print 6996, and ask that said bill retain its place on the Third Reading Calendar and remove the star.

ACTING PRESIDENT KUHL: Amendments are received and adopted. Bill will retain its place on the Third Reading Calendar. The sponsor's star will be removed.

Senator DiCarlo.

SENATOR DiCARLO: On behalf of Senator Johnson, I wish to call up bill Print Number 661 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Johnson, Senate Bill 661, an act to amend the Environmental Conservation Law.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Rath.

SENATOR RATH: Mr. President, on page number 29, on behalf of Senator Larkin, I offer the following amendments to Calendar Number 1261, Senate print Number 1902-B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. Bill will retain its place on the Third Reading Calendar.

Senator Rath.

SENATOR RATH: Mr. President, on behalf of Senator Saland, I offer the following amendments on page number 37, to Calendar Number 478, Senate Print Number 5881-B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. Bill will retain its place on the Third Reading Calendar.

Senator Rath.

SENATOR RATH: Mr. President, on page 38, on behalf of Senator Lack, I offer the following amendments to Calendar Number 492,

Senate Print Number 6935, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. Bill will retain its place on the Third Reading Calendar.

Senator Present, we have some substitutions. Would it be all right to read them at this time? Secretary will read.

THE SECRETARY: On page 11, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 1302-A and substitute it for the identical Calendar Number 606.

On page 16, Senator Goodman moves to discharge the committee on Rules from Assembly Bill Number 2761 and substitute it for the identical Third Reading 789.

On page 21, Senator Seward moves to discharge the committee on Rules from Assembly Bill Number 10838 and substitute it for the identical Calendar Number 951.

Senator Volker moves to discharge

the Committee on Rules from Assembly Bill Number 5654-B and substitute it for the identical Third Reading 958.

On page 22, Senator Skelos moves to discharge the Committee on Rules from Assembly Bill Number 9409-A and substitute it for the identical Calendar Number 967.

On page 37, Senator Libous moves to discharge the Committee on Rules from Assembly Bill Number 9958, and substitute it for the identical Third Reading 489.

ACTING PRESIDENT KUHL: All substitutions are ordered. 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 KUHL: All members will note the time change difference. Without objection, the motion to adjourn is approved. Senate will stand adjourned until tomorrow, Tuesday, at 11:00 a.m.

(Whereupon at 6:30 p.m., the Senate adjourned.)