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ALBANY, NEW YORK

June 29, 1994

11:33 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

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

2 ACTING PRESIDENT KUHL: Senate
3 will come do order. Ask the members to find
4 their places. Staff will find their places.
5 Ask the visitors in the gallery to rise and join
6 us as we say the Pledge of Allegiance to the
7 Flag.

8 (Whereupon, the Assemblage joined
9 in the Pledge of Allegiance to the Flag.)

10 We're happy to be joined today by
11 a constituent of Senator Jones, Father Otto Vogt
12 of St. Paul of the Cross Roman Catholic Church
13 in Honeoye Falls, New York.

14 Father Vogt.

15 FATHER VOGT: I pray in the
16 Senate chamber that is hallowed by the voices
17 and labors of the yesteryears. I pray in the
18 presence of all of you who yearn to fulfill the
19 hopes of our tomorrows.

20 Lord, we lift our hearts and
21 minds to You in this gathering where decisions
22 and laws are written. May we, Lord, be wise
23 with the wisdom that comes from experience and

1 insight, a wisdom that is just in judgments, a
2 wisdom and knowledge with the clarity of vision,
3 informed discussion and debate. May laws be
4 formed and fashioned for the common good and
5 respect the hopes and values of those we
6 represent.

7 Lord, renew again in us the
8 dignity and seriousness of our sacred office and
9 the challenging responsibilities of each day.
10 May we not be discouraged when the best is
11 rejected and when opposition is strong. May we
12 have the courage to be persistent in our work
13 when the rush of our daily tasks are distracting
14 to us.

15 Give us the blessing of a smile
16 and a sense of humor. Bless all who labor with
17 us, each Senator and their staff, those who
18 record our words, those who sit behind
19 typewriters and computers and FAX machines,
20 those who make our labors less burdensome.
21 Bless our loved ones who await our coming home.

22 We pray that in the decisions and
23 laws that we protect the security and needs of

1 the young, the ill, the needy, the homeless, the
2 elderly. Guide and direct us to find the best
3 of answers to the painful concerns of our time,
4 crime in the home and crime in the streets, the
5 use of illegal drugs, domestic violence and
6 infidelity, the pain of the minorities,
7 unemployment, broken family life, people alone.
8 In these days of instant progress, instant
9 communication, highly technical research and
10 knowledge, we ask for discernment that our
11 decisions and our laws protect the rights, the
12 well-being and the labors of men and women and
13 our youth.

14 May we remember always that life
15 is precious at every moment of its existence.
16 May we remember and defend the dignity and worth
17 of every human person. Help us, Lord, to see
18 the good things in the unexpected places and
19 events, discover talents in unexpected persons,
20 in our busy moments to take time for prayer and
21 reflection.

22 I pray that we more deeply may
23 know that whatever we do God has a mark on it

1 and is always with us. Let us love and serve
2 the Lord in his creation. May God our Father
3 bless us. May God the Son, who lived our human
4 life, be our example. May God the Holy Spirit
5 abide with us in our service to our beloved
6 people of our beloved state of New York.

7 Amen.

8 ACTING PRESIDENT KUHL: Reading
9 of the Journal.

10 THE SECRETARY: In Senate,
11 Tuesday, June 28. The Senate met pursuant to
12 adjournment. Senator Kuhl in the chair upon
13 designation of the Temporary President. The
14 Journal of Monday, June 27, was read and
15 approved. On motion, Senate adjourned.

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

19 Presentation of petitions.

20 Messages from the Assembly.

21 Messages from the Governor.

22 Reports of standing committees.

23 Reports of select committees.

1 Communications and reports from
2 state officers.

3 Motions and resolutions.

4 Senator Farley.

5 SENATOR FARLEY: Thank you, Mr.
6 President. On behalf of Senator Skelos, I wish
7 toi call up his bill, Calendar Number 967,
8 Assembly Print 9409A.

9 ACTING PRESIDENT KUHL: Secretary
10 will read.

11 THE SECRETARY: An act to amend
12 the Executive Law, in relation to extending the
13 statute of limitations for certain actions and
14 proceedings.

15 SENATOR FARLEY: I now move to
16 reconsider the vote by this Assembly bill was
17 substituted for Senator Skelos' bill, Senate
18 Print 6733B on 6-27.

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

21 (The Secretary called the roll on
22 reconsideration.)

23 THE SECRETARY: Ayes 31.

1 ACTING PRESIDENT KUHL: The bill
2 is before the house.

3 Senator Farley.

4 SENATOR FARLEY: I now move that
5 the Assembly Bill, Number 9409A, be recommitted
6 to the Committee on Rules, and Senator Skelos'
7 bill be restored to the order of Third Reading
8 Calendar, and I offer the following amendments
9 to that.

10 ACTING PRESIDENT KUHL: The
11 Assembly bill will be recommitted. The Senate
12 bill will be substituted. The amendments will
13 be received and adopted.

14 Senator Farley.

15 SENATOR FARLEY: Mr. President.
16 Also on behalf Senator Skelos, on page 46, I
17 offer the following amendments to Calendar
18 Number 769, Senate Print 7012, and I ask that
19 that bill retain its place on the Third Reading
20 Calendar.

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

1 Calendar.

2 Senator Farley.

3 SENATOR FARLEY: On behalf of
4 Senator Volker, on page 8, I offer the following
5 amendments to Calendar Number 389, Senate Print
6 2629, and I ask that that bill retain its place
7 on the Third Reading Calendar.

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

12 Secretary will call the
13 substitution or read the substitutions.

14 THE SECRETARY: On page 6 of
15 today's calendar, Senator Johnson moves to
16 discharge the Committee on Rules from Assembly
17 Bill Number 6901B and substitute it for the
18 identical Calendar Number 195.

19 On page 35, Senator Holland moves
20 to discharge the Committee on Social Services
21 from Assembly Bill Number 9264 and substitute it
22 for the identical Calendar Number 1390.

23 On page 36, Senator Lack moves to

1 discharge the Committee on Rules from Assembly
2 Bill Number 11660 and substitute it for the
3 identical Calendar Number 1399.

4 On page 36, Senator Mendez moves
5 to discharge the Committee on Rules from
6 Assembly Bill Number 11813 and substitute it for
7 the identical Calendar Number 1405.

8 On page 38, Senator Gonzalez
9 moves to discharge the Committee on Rules from
10 Assembly Bill Number 8213A and substitute it for
11 the identical Calendar Number 1416.

12 On page 38, Senator Velella moves
13 to discharge the Committee on Judiciary from
14 Assembly Bill Number 8125A and substitute it for
15 the identical Third Reading 1417.

16 Also on page 38, Senator Pataki
17 moves to discharge the Committee on Rules from
18 Assembly Bill Number 11451B and substitute it
19 for the identical Calendar Number 1419.

20 On page 39, Senator Seward moves
21 to discharge the Committee on Rules from
22 Assembly Bill Number 9275A and substitute it for
23 the identical Third Reading 1422.

1 On page 39, Senator Seward moves
2 to discharge the Committee on Rules from
3 Assembly Bill Number 9524 and substitute it for
4 the identical Third Reading 1423.

5 On page 39, Senator Farley moves
6 to discharge the Committee on Rules from
7 Assembly Bill Number 11603A and substitute it
8 for the identical Third Reading 1426.

9 On page 40, Senator Holland moves
10 to discharge the Committee on Rules from
11 Assembly Bill Number 11407 and substitute it for
12 the identical Third Reading 1413.

13 On page 40, Senator Johnson moves
14 to discharge the Committee on Rules from
15 Assembly Bill Number 11546 and substitute it for
16 the identical Third Reading 1433.

17 On page 41, Senator Paterson
18 moves to discharge the Committee on Rules from
19 Assembly Bill Number 9459 and substitute it for
20 the identical Third Reading 1438.

21 ACTING PRESIDENT KUHL: All
22 substitutions are ordered.

23 Chair recognizes Senator

1 LaValle.

2 SENATOR LAVALLE: Mr. President.

3 Let the record show that had I been in the
4 chamber when Calendar -- on Tuesday, June the
5 28th, when Calendar Number 1357, Senate Bill
6 Number 3674, was voted upon, I would have voted
7 in the negative.

8 ACTING PRESIDENT KUHL: The
9 calendar will reflect, Senator LaValle, that had
10 you been in the chamber on Tuesday, that you
11 would have voted in the negative on Calendar
12 Number 1357.

13 Senator Present.

14 SENATOR PRESENT: Would you
15 recognize Senator Daly, please?

16 ACTING PRESIDENT KUHL: Chair
17 recognizes Senator Daly.

18 SENATOR DALY: Mr. President. Do
19 you have a privileged resolution at the desk?
20 Would you read the title, please?

21 ACTING PRESIDENT KUHL: Senator
22 Daly, we do. I will ask the Secretary -
23 Senator Daly, we have a resolution, 4076, at the

1 desk. Would you like the title read?

2 SENATOR DALY: Yes, please. Just
3 the title.

4 ACTING PRESIDENT KUHL: Secretary
5 will read the title of resolution 4076.

6 THE SECRETARY: Legislative
7 resolution, by Senator Daly, memorializing
8 Governor Mario M. Cuomo to recognize Labor Day,
9 September 5, 1994, as "Help Yourself, Buy
10 American Day" in the State of New York.

11 ACTING PRESIDENT KUHL: Senator
12 Daly on the resolution.

13 SENATOR DALY: Mr. President.
14 This is becoming an annual occurrence, and I
15 won't take too much of my colleagues' time
16 today; but since the purpose of this bill is to
17 heighten and renew the awareness of the
18 importance of giving preference to buying
19 products made in America, I will take some of
20 your time.

21 I stand before you, my
22 colleagues, bedecked in dazzling garb, a picture
23 of sartorial splendor with clothes all that are

1 made, of course, in the United States, and very
2 proud of it.

3 In fact, my suit was made in
4 Rochester, if you remember; and my shirt was
5 made in the mighty metropolis of Medina, which
6 happens to be in the heart of my district in
7 Monroe County -- Monroe -- Orleans County,
8 Senator Padavan, and so on and so.

9 And, very frankly, my colleagues,
10 I rise to ask your support and to open up the
11 resolution to all of you who wish to join me.
12 As I said, this is something we do annually,
13 again, to keep before -- to try to keep before
14 the minds of the people of the state the
15 importance of giving preference to American
16 products when we go to purchase products at the
17 store.

18 The fact that we would pay
19 attention to whether or not a product is made in
20 America has a definite impact on the sales of
21 those products and, most importantly, on the
22 jobs of Americans. And that is the major thrust
23 of this legislation, to keep before the people

1 of the State of New York the thought that they
2 can help their fellow workers in this state and
3 in this nation by giving preference to
4 American-made products.

5 Now, hopefully, we'll be able to
6 get the Governor involved this year. He has
7 been somewhat recalcitrant in the last two years
8 of becoming too involved. We think it's a good
9 idea. What we try to do is to surround -- I
10 should say surround Labor Day with this thought
11 and put together with the Governor, hopefully, a
12 program which will cross the state, which will
13 be seen and heard in every city and town in this
14 state so that the people of the state, again,
15 will remember that when they go to buy products,
16 please, let's give preference to those products
17 made by American workers.

18 And, my colleagues, I would hope
19 that you would all join me on this resolution.
20 And, Mr. President, if you would keep this
21 resolution open at the desk so my colleagues can
22 join me in this resolution, I would appreciate
23 it.

1 ACTING PRESIDENT KUHL: Senator
2 Daly, we will ask the Secretary to keep the
3 sponsorship open for the members that indicate
4 that they would like to add their names to the
5 list, or, Senator Present, is there a desire to
6 put everybody on?

7 SENATOR PRESENT: I would suggest
8 that we follow the past procedures. When the
9 sponsorship is open, we include everyone except
10 those who decline.

11 ACTING PRESIDENT KUHL: Senator
12 Daly, everybody in the chamber will be placed as
13 a sponsor except those individuals who indicate
14 to the Secretary that they don't wish to have
15 their name included as a sponsor.

16 The question is on the
17 resolution. All those in favor signify by
18 saying aye.

19 (Response of "Aye.")

20 Those opposed, nay.

21 (There was no response.)

22 The resolution is adopted.

23 Senator Present, that concludes

1 the housekeeping at the desk. That brings us to
2 the calendar.

3 SENATOR PRESENT: Mr. President.
4 Let's take up the noncontroversial calendar,
5 please.

6 ACTING PRESIDENT KUHL: Secretary
7 will read the noncontroversial calendar.

8 THE SECRETARY: On page 9,
9 Calendar Number 432, by Senator Levy, Senate
10 Bill Number 79C, an act to amend the
11 Transportation Law.

12 ACTING PRESIDENT KUHL: There is
13 a local fiscal impact note at the desk.

14 The Secretary will read the last
15 section.

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

18 ACTING PRESIDENT KUHL: Lay the
19 bill aside.

20 Secretary will continue to
21 calling the noncontroversial calendar.

22 THE SECRETARY: Calendar Number
23 560, by Senator Lack, Senate Bill Number 7207,

1 an act to amend the Judiciary Law and the New
2 York City Civil Court Act.

3 ACTING PRESIDENT KUHL: Lay the
4 bill aside.

5 THE SECRETARY: Calendar Number
6 606, by Member of the Assembly Lafayette,
7 Assembly Bill Number 1302A, an act to amend the
8 General Business Law.

9 ACTING PRESIDENT KUHL: The
10 Secretary will read the last section.

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

13 ACTING PRESIDENT KUHL: Lay the
14 bill aside.

15 THE SECRETARY: Calendar Number
16 715, by Senator Daly.

17 SENATOR GOLD: Lay it aside.

18 ACTING PRESIDENT KUHL:
19 Lay the bill aside.

20 THE SECRETARY: Calendar Number
21 853, by Member of the Assembly Sanders, Assembly
22 Bill Number 10877A, an act to amend the Mental
23 Hygiene Law.

1 ACTING PRESIDENT KUHL: The
2 Secretary will read the last section.

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 34.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 868, by Senator Spano, Senate Bill Number 3354A,
13 an act to amend the Retirement and Social
14 Security Law.

15 ACTING PRESIDENT KUHL: The
16 Secretary will read the last section.

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 34.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1010, by Senator Levy, Senate Bill Number 5679A,
4 an act to amend the Vehicle and Traffic Law.

5 ACTING PRESIDENT KUHL: The
6 Secretary will read the last section.

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

9 ACTING PRESIDENT KUHL: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 33. Nays
13 1. Senator Kuhl recorded in the negative.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1106, by Senator Stafford, Senate Bill Number
18 8030A, proposing an amendment to the
19 Constitution.

20 SENATOR GOLD: Can we get a day
21 on this?

22 SENATOR LIBOUS: Sure.

23 ACTING PRESIDENT KUHL: Lay the

1 bill aside.

2 THE SECRETARY: Calendar number
3 1247, by Senator Wright, Senate Bill Number
4 8571A, an act to amend the Public Authorities
5 Law.

6 ACTING PRESIDENT KUHL: The
7 Secretary will read the last section.

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 35.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1287, by Senator Rath, Senate Bill Number 8605,
18 an act to amend the State Administrative
19 Procedure Act.

20 ACTING PRESIDENT KUHL: The
21 Secretary will read the last section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 35.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1290, by Senator -

9 SENATOR GOLD: Lay it aside.

10 ACTING PRESIDENT KUHL: Lay the
11 bill aside.

12 Senator Present.

13 SENATOR PRESENT: May I recall
14 1287, reconsider the vote by which the bill
15 passed?

16 ACTING PRESIDENT KUHL: The
17 motion is to reconsider the vote by which
18 Calendar 1287 passed the house.

19 The Secretary will call the roll
20 on reconsideration.

21 (The Secretary called the roll on
22 reconsideration.)

23 THE SECRETARY: Ayes 35.

1 ACTING PRESIDENT KUHL: The bill
2 is before the house.

3 Senator Present.

4 SENATOR PRESENT: Lay it aside,
5 please.

6 ACTING PRESIDENT KUHL: Lay the
7 bill aside.

8 THE SECRETARY: Calendar Number
9 1316, by Senator Tully, Senate Bill Number 8392,
10 an act to amend the Public Health Law, in
11 relation to establishing a state plan for
12 hospice care.

13 SENATOR PRESENT: Lay it aside
14 for the day.

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

17 THE SECRETARY: Calendar Number
18 1321, by Member of the Assembly Lopez, Assembly
19 Bill Number 3490, an act to amend the Family
20 Court Act.

21 ACTING PRESIDENT KUHL: The
22 Secretary will read the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 35.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1323, by the Senate Committee on -

10 SENATOR GOLD: Lay it aside.

11 ACTING PRESIDENT KUHL: Lay the
12 bill aside.

13 THE SECRETARY: Calendar Number
14 1326, by Senator Cook, Senate Bill Number 1995B,
15 Education Law, in relation to enacting the
16 School Property Tax Reduction Act.

17 SENATOR LEICHTER: Lay it aside.

18 ACTING PRESIDENT KUHL: Lay the
19 bill aside.

20 THE SECRETARY: Calendar Number
21 1330, by Senator Seward, Senate Bill Number
22 4262A, an act to amend the Tax Law and the
23 Public Service Law.

1 SENATOR GOLD: Lay it aside.

2 ACTING PRESIDENT KUHL: Lay the
3 bill aside.

4 THE SECRETARY: Calendar Number
5 1344, by Senator Saland, Senate Bill Number
6 8440, an act to amend the Family Court Act.

7 SENATOR GOLD: Lay it aside.

8 ACTING PRESIDENT KUHL: Lay the
9 bill aside.

10 THE SECRETARY: Calendar Number
11 1358, by Senator Saland, Senate Bill Number
12 5499A, an act to amend the Social Services Law.

13 ACTING PRESIDENT KUHL: The
14 Secretary will read the last section.

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

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 35. Nays
21 1. Senator Kuhl recorded in the negative.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

1 THE SECRETARY: Calendar Number
2 1359, by Senator Padavan, Senate Bill Number
3 5571, an act to amend the Public Authorities
4 Law.

5 ACTING PRESIDENT KUHL: The
6 Secretary will read the last section.

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

9 ACTING PRESIDENT KUHL: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 35. Nays
13 1. Senator Leichter recorded in the negative.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1363, by Member of the Assembly Casale, Assembly
18 Bill Number 9832A, an act to amend the Election
19 Law.

20 ACTING PRESIDENT KUHL: The
21 Secretary will read the last section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 36.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1364, by Senator Johnson, Senate Bill Number
9 7015, an act to amend the General Municipal Law.

10 ACTING PRESIDENT KUHL: There is
11 a local fiscal impact note at the desk.

12 The Secretary will read the last
13 section.

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 36.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1365, by Senator Lack, Senate Bill Number 70 -

1 SENATOR GOLD: Lay it aside.

2 ACTING PRESIDENT KUHL: Lay the
3 bill aside.

4 THE SECRETARY: Calendar Number
5 1374, by Senator Present.

6 SENATOR GOLD: Lay it aside.

7 ACTING PRESIDENT KUHL: Lay the
8 bill aside.

9 THE SECRETARY: Calendar Number
10 1376, by Senator Daly, Senate Bill Number
11 8398 -

12 ACTING PRESIDENT KUHL: Lay the
13 bill aside.

14 THE SECRETARY: Calendar Number
15 1378, by Senator Sears, Senate Bill Number 8520,
16 an act to authorize the Town of Massena, St.
17 Lawrence County, to construct office facilities.

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

20 The Secretary will read the last
21 section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 36.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1382, by Senator Daly, Senate Bill Number 8684,
9 authorize the sale or lease of real property at
10 the Rochester Psychiatric Center.

11 SENATOR DOLLINGER: Lay it aside.

12 ACTING PRESIDENT KUHL: Lay the
13 bill aside.

14 THE SECRETARY: Calendar Number
15 1383, by Senator Saland, Senate Bill Number
16 8694, Environmental Conservation Law.

17 SENATOR LEICHTER: Lay it aside.

18 ACTING PRESIDENT KUHL: Lay the
19 bill aside.

20 SENATOR OPPENHEIMER: Lay it
21 aside.

22 THE SECRETARY: Calendar Number
23 1385, by Senator Holland, Senate Bill Number

1 8704, Social Services Law.

2 ACTING PRESIDENT KUHL: The
3 Secretary will read the last section.

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 37.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1386, by Senator Tully, Senate Bill Number 8739.

14 SENATOR COOK: Lay it aside.

15 ACTING PRESIDENT KUHL: Lay the
16 bill aside.

17 THE SECRETARY: Calendar Number
18 1387, by Senator Holland, Senate Bill Number
19 737, an act to amend the Social Services Law.

20 SENATOR LEICHTER: Lay it aside.

21 ACTING PRESIDENT KUHL: Lay the
22 bill aside.

23 THE SECRETARY: Calendar Number

1 1388, by Senator Present, Senate Bill Number
2 1064, an act to amend the Tax Law.

3 ACTING PRESIDENT KUHL: The
4 Secretary will read the last section.

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

7 ACTING PRESIDENT KUHL: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 37.

11 ACTING PRESIDENT KUHL: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1389, by Senator Volker, Senate Bill Number
15 4629C, to provide service credit in the New York
16 State Employees Retirement System.

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

19 The Secretary will read the last
20 section.

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

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT KUHL: Announce
4 the results.

5 THE SECRETARY: Ayes 35. Nays
6 2. Senators Gold and Leichter recorded in the
7 negative.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1390, substituted earlier today, by Member of
12 the Assembly Eve, Assembly Bill Number 9264, an
13 act to amend the Social Services Law.

14 ACTING PRESIDENT KUHL: The
15 Secretary will read the last section.

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 37.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

1 THE SECRETARY: Calendar Number
2 1391, by Senator Present, Senate Bill Number
3 6537, an act to amend the Tax Law.

4 ACTING PRESIDENT KUHL: There is
5 a local fiscal impact note at the desk.

6 The Secretary will read the last
7 section.

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 37.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1392, by Senator Hannon, Senate Bill Number
18 6789B, an act to amend the Tax Law.

19 ACTING PRESIDENT KUHL: The
20 Secretary will read the last section.

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

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 37.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1393, by Senator Holland, Senate Bill Number
8 6970A, in relation to creating the Local Cost
9 Containment Incentive Program.

10 SENATOR GOLD: Lay it aside.

11 ACTING PRESIDENT KUHL: Lay the
12 bill aside.

13 THE SECRETARY: Calendar Number
14 1394, by Senator Trunzo, Senate Bill Number
15 7056A, Administrative Code of the City of New
16 York.

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

19 The Secretary will read the last
20 section.

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

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 38.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1398, by Senator Tully, Senate Bill Number
8 8080A, an act to amend the Public Health Law.

9 ACTING PRESIDENT KUHL: The
10 Secretary will read the last section.

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 39.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1399, substituted earlier today, by the Assembly
21 Committee on Rules, Assembly Bill Number 11006.

22 SENATOR LEICHTER: Lay it aside.

23 ACTING PRESIDENT KUHL: Lay the

1 bill aside.

2 THE SECRETARY: Calendar Number
3 1400, by Senator Galiber, Senate Bill Number
4 8197, relating to retroactive granting of the
5 senior citizen exemption in certain
6 circumstances.

7 ACTING PRESIDENT KUHL: The
8 Secretary will read the last section.

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

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 39.

15 ACTING PRESIDENT KUHL: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1401, by Senator Velella, Senate Bill Number
19 8417A, an act to amend the Insurance Law.

20 ACTING PRESIDENT KUHL: The
21 Secretary will read the last section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 39.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1402, by Senator Sears, Senate Bill Number 8494,
9 to allow Joanne A. Taurisano credit in the New
10 York State and Local Employees Retirement
11 system.

12 ACTING PRESIDENT KUHL: The
13 Secretary will read the last section.

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT KUHL: Announce
20 the results.

21 THE SECRETARY: Ayes 36. Nays
22 3. Senators Dollinger, Gold and Leichter
23 recorded in the negative.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1403, by Senator Velella, Senate Bill Number
5 8538, Administrative Code of the City of New
6 York.

7 ACTING PRESIDENT KUHL: There is
8 no home rule message at the desk, so the bill
9 will be laid aside.

10 THE SECRETARY: Calendar Number
11 1404, by Senator DiCarlo, Senate Bill Number
12 8552A, an act to amend the Executive Law.

13 ACTING PRESIDENT KUHL: The
14 Secretary will read the last section.

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

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 40.

21 ACTING PRESIDENT KUHL: The bill
22 is passed.

23 THE SECRETARY: Calendar Number

1 1405, substituted earlier today, by the Assembly
2 Committee on Rules, City of New York to reconvey
3 its interest in certain real property.

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

6 The Secretary will read the last
7 section.

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 40.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1406, by Senator Johnson, Senate Bill Number
18 8584, in relation to providing a retirement
19 incentive for certain public employees.

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

22 The Secretary will read the last
23 section.

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

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 40.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1407, by Senator Volker, Senate Bill Number
11 8606, establish a moratorium on requiring any
12 disconnection from the Letchworth State Park
13 waterline.

14 SENATOR PRESENT: Lay it aside -

15 ACTING PRESIDENT KUHL: Lay the
16 bill aside.

17 SENATOR PRESENT: -- for the day.

18 ACTING PRESIDENT KUHL: For the
19 day.

20 THE SECRETARY: Calendar Number
21 1408, by Senator Padavan, Senate Bill Number
22 8625.

23 SENATOR LEICHTER: Lay it aside.

1 ACTING PRESIDENT KUHL: Lay the
2 bill aside.

3 THE SECRETARY: Calendar Number
4 1409, by Senator Volker, Senate Bill Number
5 8630, an act to amend the Penal Law.

6 SENATOR LEICHTER: Lay it aside.

7 ACTING PRESIDENT KUHL: Lay the
8 bill aside.

9 THE SECRETARY: Calendar Number
10 1410, by Senator Stafford.

11 SENATOR PRESENT: Lay it aside
12 for the day.

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

15 THE SECRETARY: Calendar Number
16 1411, by Senator Libous, Senate Bill Number
17 8662, an act to amend the Tax Law.

18 ACTING PRESIDENT KUHL: The
19 Secretary will read the last section.

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 40.

3 ACTING PRESIDENT KUHL: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1412, by the Senate Committee on Rules, Senate
7 Bill Number 8680, Administrative Code of the
8 City of New York.

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

11 The Secretary will read the last
12 section.

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 40.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1413, by Senator Maltese, Senate Bill Number
23 8681, an act to amend the Correction Law.

1 SENATOR DOLLINGER: Lay it aside.

2 ACTING PRESIDENT KUHL: Lay the
3 bill aside.

4 THE SECRETARY: Calendar Number
5 1415, by Senator Johnson, Senate Bill Number
6 5178C, restoring Emil G. Pavlik, Jr. to Tier II.

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

9 Secretary will read the last
10 section.

11 SENATOR LEICHTER: Can you hold
12 that please? No problem.

13 ACTING PRESIDENT KUHL: The
14 Secretary will call the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 40.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1416, substituted earlier today, by the Assembly
21 Committee on Rules, the City of New York to
22 reconvey its interest in certain real property.

23 ACTING PRESIDENT KUHL: There is

1 a home rule message at the desk.

2 The Secretary will read the last
3 section.

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 40.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1417, substituted earlier today, by the Assembly
14 Committee on Rules, Assembly Bill Number 8125A,
15 an act to amend the General Obligations Law.

16 ACTING PRESIDENT KUHL: The
17 Secretary will read the last section.

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 40.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1418, by Senator Johnson, Senate Bill Number
5 6693, Domestic Relations Law.

6 ACTING PRESIDENT KUHL: The
7 Secretary will read the last section.

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 40.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1419, substituted earlier today, by the Assembly
18 Committee on Rules, Assembly Bill Number 11451B,
19 an act to amend the Criminal Procedure Law.

20 ACTING PRESIDENT KUHL: Read the
21 last section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 39. Nays
5 1. Senator Leichter recorded in the negative.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1420, by Senator Bruno, Senate Bill Number
10 7494B, an act to amend the Economic Development
11 Law.

12 ACTING PRESIDENT KUHL: Lay the
13 bill aside.

14 THE SECRETARY: Calendar Number
15 1423, substituted earlier today, by Member of
16 the Assembly Luster, Assembly Bill Number 9524,
17 Civil Rights Law.

18 ACTING PRESIDENT KUHL: The
19 Secretary will read the last section.

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 41.

3 ACTING PRESIDENT KUHL: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1424, by Senator Kuhl, Senate Bill Number 7588,
7 an act to amend the Workers' Compensation Law.

8 SENATOR LEICHTER: Lay it aside.

9 ACTING PRESIDENT KUHL: Lay the
10 bill aside.

11 THE SECRETARY: Calendar Number
12 1427, by Senator Pataki, Senate Bill Number
13 7807, an act to amend the Criminal Procedure
14 Law.

15 SENATOR LEICHTER: Lay it aside.

16 ACTING PRESIDENT KUHL: Lay the
17 bill aside.

18 THE SECRETARY: Calendar Number
19 1428, by Senator Pataki, Senate Bill Number
20 7808, an act to amend the Criminal Procedure
21 Law.

22 SENATOR LEICHTER: Lay it aside.

23 ACTING PRESIDENT KUHL: Lay the

1 bill aside.

2 THE SECRETARY: Calendar Number
3 1429, by Senator Saland, Senate Bill Number
4 7910, authorizing the Commissioner of General
5 Services to sell land to the city of Beacon.

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

8 SENATOR PRESENT: Lay it aside.

9 ACTING PRESIDENT KUHL: Lay the
10 bill aside.

11 THE SECRETARY: Calendar Number
12 1430, substituted earlier today, by the Assembly
13 Committee on Rules, Assembly Bill Number 11407,
14 Uniform Justice Court Act.

15 ACTING PRESIDENT KUHL: The
16 Secretary will read the last section.

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 42.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1431, by Senator Pataki -

4 SENATOR PRESENT: Lay it aside.

5 ACTING PRESIDENT KUHL: Lay the
6 bill aside.

7 THE SECRETARY: Calendar Number
8 1433, substituted earlier today, by the Assembly
9 Committee on Rules, Assembly Bill Number 11546,
10 an act to amend the County Law.

11 ACTING PRESIDENT KUHL: The
12 Secretary will read the last section.

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 42.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1436, by Senator Farley, Senate Bill Number
23 8556, an act to amend the Education Law.

1 ACTING PRESIDENT KUHL: There is
2 a local fiscal impact note at the desk.

3 The Secretary will read the last
4 section.

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

7 ACTING PRESIDENT KUHL: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 42.

11 ACTING PRESIDENT KUHL: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1438, substituted earlier today, by Member of
15 the Assembly Wright, Assembly Bill Number 9459,
16 City of New York to reconvey its interest in
17 certain real property.

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

20 The Secretary will read the last
21 section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 42.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 ACTING PRESIDENT KUHL: Senator
8 Present, that completes the noncontroversial
9 calendar. What is your pleasure, sir?

10 SENATOR PRESENT: Mr. President.
11 Let's take up the controversial calendar.

12 ACTING PRESIDENT KUHL: Secretary
13 will read the controversial calendar.

14 THE SECRETARY: On page 9,
15 Calendar Number 432, by Senator Levy, Senate
16 Bill Number 79C, an act to amend the
17 Transportation Law and the Education Law.

18 ACTING PRESIDENT KUHL: The
19 Secretary will read the last section.

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT KUHL: Announce
3 the results when tabulated.

4 THE SECRETARY: Those recorded in
5 the negative on Calendar Number 432 are Senators
6 Cook, Daly, DeFrancisco, DiCarlo, Dollinger,
7 Kuhl, Libous, Maltese, Sears, and Wright, also
8 Senator Johnson. Ayes 32. Nays 11.

9 ACTING PRESIDENT KUHL: There is
10 a formal fiscal impact note at the desk. The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 560, by Senator Lack, Senate Bill Number 7207,
14 an act to amend the Judiciary Law and the New
15 York City Civil Court Act.

16 SENATOR GOLD: Explanation.

17 ACTING PRESIDENT KUHL: Senator
18 Present, an explanation has been asked of
19 Calendar Number 560. Senator Lack is not in the
20 chamber, at least he doesn't appear to me to be
21 in the chamber -

22 SENATOR PRESENT: Lay it aside
23 temporarily.

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

3 Secretary will continue to call
4 the controversial calendar.

5 THE SECRETARY: Calendar Number
6 606, by Member of the Assembly Lafayette,
7 Assembly Bill Number 1302A, an act to amend the
8 General Business Law.

9 ACTING PRESIDENT KUHL: Secretary
10 will read the last section.

11 Senator Gold, did you have an
12 objection on this bill?

13 SENATOR GOLD: Go ahead. I'm
14 sorry.

15 ACTING PRESIDENT KUHL: The
16 Secretary will read the last section.

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 43.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: In relation to
3 the last bill, Calendar Number 606: Ayes 42.
4 Nays 1. Senator Wright recorded in the
5 negative.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 715, by Senator Daly, Senate Bill Number 1093C,
10 Environmental Conservation Law.

11 SENATOR GOLD: Explanation.

12 ACTING PRESIDENT KUHL: Senator
13 Daly, an explanation of Calendar Number 715 has
14 been asked for by Senator Gold.

15 SENATOR DALY: Mr. President.
16 This is a bill that has passed this house
17 before, as you recall, as we were negotiating
18 with the Assembly.

19 Basically, the bill requires DEC
20 to include additional financial information in
21 its annual remedial plan update, The Annual
22 Plan. This bill has been around now for two or
23 three years. We have been trying to work out a

1 final agreement with DEC and with the other
2 house. We passed this bill this year, brought
3 it back at the request of the Assembly, amended
4 it, added the word "contractual" in a certain
5 paragraph, sent it back to the Assembly. DEC
6 then decided they didn't want that word in, so
7 the bill was sent back here and, in fact, has
8 been taken out.

9 The bill is pretty much in the
10 same form it was when it passed the Senate in
11 the first place. The Assembly is on board and
12 expects to pass the bill and hopefully it will
13 pass this house.

14 ACTING PRESIDENT KUHL: Senator
15 Leichter.

16 SENATOR LEICHTER: Yes, Mr.
17 President. Just very briefly on the bill.

18 ACTING PRESIDENT KUHL: Senator
19 Leichter on the bill.

20 SENATOR LEICHTER: As Senator
21 Daly stated, we have seen this bill before. And
22 I think we've pointed out some of the problems
23 that we have with this bill.

1 Basically, it again imposes very
2 extensive reporting requirements on the
3 Department of Environmental Conservation,
4 doesn't provide a single penny to the Department
5 to do this job. I mean there is a limit to what
6 the Department can do with the resources that it
7 has when we keep on piling on this reporting
8 requirement, that reporting requirement. We
9 want them to do that.

10 And my objection is to the other
11 side of the aisle that loves to ask for these
12 reports and audits and other activities on the
13 part of governmental agencies but never wants to
14 pay for it. It's a wonderful world where we can
15 get government to do more and more at the same
16 time that we say that we want less government,
17 but we never have to pay for it. Well, in the
18 real world, you can't do that.

19 I also think that the information
20 required here is onerous. It's really not
21 necessary. It's not helpful or beneficial.
22 There are reporting requirements now where we
23 receive the information.

1 You pass this bill, the
2 Department, instead of working to cleanup these
3 sites, is going to be spending all their time
4 doing paperwork for Senator Daly. I think it's
5 an unwise bill.

6 ACTING PRESIDENT KUHL: Senator
7 Oppenheimer.

8 SENATOR OPPENHEIMER: I'd just
9 like to reaffirm what Senator Leichter has
10 said.

11 The number of sites that would be
12 -- have required extensive reporting on them by
13 the DEC is approximately 1,000 sites. To
14 require quarterly reporting on 1,000 sites,
15 seems to me a very inefficient way to deliver
16 service.

17 SENATOR DALY: Mr. President.

18 ACTING PRESIDENT KUHL: Senator
19 Daly.

20 SENATOR DALY: Senator, are you
21 aware that we dropped the site-specific
22 requirement in one of the older bills, the A
23 version? That is no longer required in this

1 legislation, so they would not have to report on
2 the 1,000 sites.

3 SENATOR OPPENHEIMER: Would the
4 Senator yield for a question?

5 SENATOR DALY: No. I'm asking
6 you a question. Do you realize that the
7 site-specific requirement is no longer in this
8 bill? We took the bill out, and we took that
9 requirement out when we negotiated with the
10 Assembly.

11 SENATOR OPPENHEIMER: Well, I'm
12 happy to hear that, Senator. Now, if you will
13 will yield to a question, please?

14 ACTING PRESIDENT KUHL: Senator
15 Daly, do you yield to a question from Senator
16 Oppenheimer?

17 SENATOR DALY: Certainly.

18 ACTING PRESIDENT KUHL: Senator
19 yields.

20 SENATOR OPPENHEIMER: Senator,
21 will you be good enough to tell me about how
22 many sites you think will be required to
23 report?

1 SENATOR DALY: It is not a report
2 on individual sites. What we're trying to do
3 with this legislation, all we're asking is for
4 DEC to take information they already have to
5 gather. They are the ones that manage the Super
6 Fund. Now, we're told by DEC that the Super
7 Fund -- we're running out of money. Now, that's
8 something to be concerned about, and I think the
9 Senate and the Assembly should be aware of how
10 close we're coming before we run out of money.

11 So all we're doing is saying,
12 take the information you already have and put it
13 in your annual report so we can have, at least
14 on an annual basis, an idea of how much money
15 we're spending to remediate the sites that
16 require remediation in this state and how soon
17 will we use up that \$1.2 billion, the bond issue
18 that was passed by the voters back in 1986.

19 Now, if we're concerned -- if
20 we're concerned about having the wherewithal to
21 clean up these sites, then shouldn't we know how
22 much money we've got in the pot to do it? And
23 that's all this bill does. They don't have to

1 go out and -

2 I must say, Senator Leichter's
3 description of the bill was in my opinion
4 somewhat hyperbolic, somewhat exaggerated. The
5 information is there. This bill, as I said, has
6 been amended several times. If you look, it's a
7 C version. And even the original version was
8 amended from the first version two years ago.

9 SENATOR OPPENHEIMER: Thank you,
10 Senator.

11 SENATOR DALY: So there really is
12 not that much of a requirement, but I think it's
13 important that we stay on top of how much money
14 we have in the Super Fund, how much money we're
15 using up, because if we're getting close to
16 using up, then we might want to take action if
17 we still have sites which must be remediated
18 under the Super Fund.

19 SENATOR OPPENHEIMER: On the
20 bill. Thank you, Senator Daly.

21 ACTING PRESIDENT KUHL: Senator
22 Oppenheimer on the bill.

23 SENATOR OPPENHEIMER: The fear of

1 the DEC is that it's very difficult to estimate
2 how much of the site is remediated before the
3 final remediation of the site is complete. I
4 think they are concerned that it's hard to
5 ascertain what portion is and what portion is not
6 remediated.

7 Thank you, Senator Daly.

8 ACTING PRESIDENT KUHL: Secretary
9 will read the last section.

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

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT KUHL: Announce
16 the results when tabulated.

17 THE SECRETARY: Ayes 41. Nays
18 2. Senators Gold and Leichter recorded in the
19 negative, also Senator Oppenheimer in the
20 negative.

21 ACTING PRESIDENT KUHL: The bill
22 is passed.

23 THE SECRETARY: Calendar Number

1 1106, by Senator Stafford, Senate Bill Number
2 8030A, proposing an amendment to the
3 Constitution, in relation to the exchange of
4 certain forest preserve land.

5 ACTING PRESIDENT KUHL: Senator
6 Oppenheimer.

7 SENATOR OPPENHEIMER: I think
8 we're on -

9 SENATOR GOLD: Is this 1105?

10 ACTING PRESIDENT KUHL: Senator
11 Gold, this is Calendar Number 1106 we're on.

12 SENATOR OPPENHEIMER: I'm on the
13 wrong bill at the moment.

14 ACTING PRESIDENT KUHL: Senator
15 Oppenheimer passes. Senator Gold has asked for
16 an explanation.

17 SENATOR GOLD: Yes.

18 SENATOR PRESENT: Lay it aside.

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

21 Secretary will continue to call
22 the controversial calendar.

23 THE SECRETARY: Calendar Number

1 1287, by Senator Rath, Senate Bill Number 8605,
2 State Administrative Procedure Act.

3 SENATOR PRESENT: Lay it aside.

4 ACTING PRESIDENT KUHL: Lay the
5 bill aside.

6 THE SECRETARY: Calendar Number
7 1290, by Senator Stafford, Senate Bill Number
8 443, Environmental Conservation Law.

9 SENATOR LEICHTER: Explanation.

10 ACTING PRESIDENT KUHL: Senator
11 Present, an explanation has been asked for by
12 Senator Leichter.

13 SENATOR PRESENT: Lay it aside.

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

16 THE SECRETARY: Calendar Number
17 1323, by the Senate Committee on Rules, Senate
18 Bill Number 8641, an act to amend the Insurance
19 Law.

20 SENATOR SOLOMON: Explanation.

21 SENATOR GOLD: Explanation for
22 Senator Solomon.

23 SENATOR PRESENT: Lay it aside

1 temporarily.

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

4 THE SECRETARY: Calendar Number
5 1326, by Senator Cook, Senate Bill 1995B, an act
6 to amend the Education Law.

7 ACTING PRESIDENT KUHL: Senator
8 Cook, an explanation has been asked for by
9 Senator Dollinger.

10 SENATOR COOK: Mr. President. As
11 we deal with the need to refashion our schools
12 moving into the 21st century, the question of
13 financing continues to rise up and, in fact,
14 overshadows all the other discussions to the
15 point where we are confronted with the reality
16 that if we're ever going to do some things that
17 we need to do in the education system we have to
18 put to rest some of these issues as they relate
19 to funding.

20 The property tax has become
21 oppressive for many people in this state, not
22 just senior citizens on fixed incomes which is
23 what we hear of often but even young families

1 who are trying to establish their families and
2 their homes; that real property tax has reached
3 the point where people simply will not be able
4 to pay it much longer if it continues to
5 increase.

6 Furthermore, the atmosphere of
7 dialogue within communities where we should be
8 talking about how to improve the quality of
9 education is overwhelmed constantly by the
10 battle over taxes. We have this controversy
11 that is constantly before us with people who are
12 just good people just so overwhelmed with taxes
13 that they simply are not going to stand for any
14 more expenditures in the area of education. We
15 clearly have to do something, something to lift
16 that burden of property taxes from people in
17 this state.

18 We have done a great deal this
19 year in terms of the tax burden on a lot of
20 people. State taxes have been substantially
21 relieved. But aside from the additions of state
22 aid of various kinds that we have put in place,
23 there's really been nothing affirmative that the

1 property taxpayer can look at and think that
2 relief is on the way.

3 Yes.

4 SENATOR LEICHTER: If you would
5 yield, but if you care to finish your
6 explanation -- I thought it was an appropriate
7 time to ask a question.

8 ACTING PRESIDENT KUHL: Senator
9 Cook, do you yield?

10 SENATOR COOK: Okay.

11 ACTING PRESIDENT KUHL: Senator
12 Cook yields, Senator Leichter.

13 SENATOR LEICHTER: Senator, I
14 think many of us for sometime have been saying
15 that we are very concerned about the reliance on
16 the real property tax, and we know instances in
17 other states -- I think Michigan was one -
18 sought to get way from the real property tax,
19 and it's not a good way to finance education or
20 to rely on it to the extent we do, and I agree
21 with you.

22 But what I'm concerned about,
23 Senator, and I don't see in the bill, is how

1 we're going to provide the additional funds that
2 the state is going to have to provide. You
3 point out in your fiscal implication note that
4 the next year if we go into this system, if
5 school districts, the voters opt for this
6 particular means of financing that the cost to
7 the state is going to be \$400 million, which I
8 think is probably a somewhat optimistic view. I
9 think it will be more.

10 SENATOR COOK: It's
11 three-quarter, Senator. In a full year, it will
12 about \$6 million -- \$600 million.

13 SENATOR LEICHTER: All right.
14 Maybe that's why I'm off, but let me accept your
15 figure, whether it's 400 million or 600 million.
16 How are we going to raise your money? Are you
17 going to vote for increased statewide taxes,
18 income tax, sales tax, estate taxes, to make up
19 for this loss of real estate tax.

20 SENATOR COOK: Mr. President.
21 Can I answer that in about three different
22 ways? The first is that this year, Senator, our
23 increase in aid to education was in excess of

1 \$600 million, so there was enough money
2 appropriated this year in and of itself that
3 would have funded this program.

4 The second point is -- and I
5 think that perhaps it's the real telling point,
6 and, frankly since I've become chairman of the
7 Education Committee, I have become more
8 sensitized to this -- is that frankly, I'm a
9 little offended that nobody asks the question
10 of, "What kind of taxes are you going to impose
11 to pay for welfare?" or "What kind of taxes are
12 you going to impose to pay for the prison
13 system?" But when it comes to funding the
14 schools, "What kind of taxes are you going to
15 impose to pay for the schools?" that becomes the
16 first question that people ask.

17 The time has come for us to
18 change our priorities in this state. School aid
19 and education has become the last thing that we
20 look at. The crumbs that are under the table get
21 sent back to the school districts. We have got
22 to place this as a priority; and, frankly,
23 that's what this bill does. It says it's right

1 up there with welfare; it's right up there with
2 prisons; it's right up there with state
3 operations.

4 It's one of those things that
5 we're going to have to put into the fiscal plan
6 of this state, and we're going to have to do it
7 in whatever the fiscal plan may be. I don't
8 want to say that we're going to impose another
9 tax for education. If you want to say, "Are we
10 going to impose another tax to pay for welfare?"
11 then we can say that if you want to say that.

12 But the point is we have had
13 \$1-1/4 billion increase in state revenues on an
14 annualized basis since 1982. There is no reason
15 that in our fiscal planning we can't set aside
16 half of that annual increase in state revenues
17 and dedicate it to education. And I think that
18 that's what we ought to be doing up front.

19 SENATOR LEICHTER: Senator, let
20 me just -

21 ACTING PRESIDENT KUHL: Senator
22 Leichter, are you asking Senator Cook to
23 continue to yield?

1 SENATOR LEICHTER: If you would
2 yield?

3 ACTING PRESIDENT KUHL: Senator
4 Cook, do you yield?

5 SENATOR COOK: Yes.

6 ACTING PRESIDENT KUHL: Senator
7 yields.

8 SENATOR LEICHTER: Senator, the
9 distinction between -- if we would say about
10 targeting a specific tax whether it's for
11 Welfare or Correction and so on, I think that
12 the example that you set forth isn't in point.

13 If we said, okay, we're going to
14 change the system of funding welfare. We're
15 going to take, let's say, the burden off the
16 localities, we're going to do this and that,
17 then I think it makes sense for somebody to say,
18 "Wait a second. How are you going to pay for
19 it? You are going to need additional revenue.
20 Then you would have a example that fits what you
21 are doing in in bill for education.

22 You are changing the whole system
23 of financing education, and what I'm concerned

1 about, Senator, is that we've got another thing
2 which -- and I don't say this derogatorily, but
3 I've referred to it at various times as the
4 "Cook magic wand," which is, you can ask
5 government to do all sorts of things; you can
6 promise people all sorts of things; but you
7 never, never, never vote for taxes.

8 And I'm afraid, Senator, that we
9 may be going down this path, and I haven't found
10 that the Cook magic wand really does what I wish
11 it could do. We all wish we could wave a magic
12 wand. But the time comes when we've got to have
13 political fortitude to put money into the
14 programs that we're espousing.

15 And my question to you is,
16 Senator, if we find that we're going to have to
17 raise more money because now we find more and
18 more school systems opting into your system,
19 getting away from the real estate taxes, are you
20 going to vote to increase businesses tax? Are
21 you going to vote to increase income taxes? Are
22 you going to vote to increase sales taxes?

23 SENATOR COOK: Mr. President.

1 First, Senator Leichter, thank you for that
2 statement that I've never voted to increase
3 taxes. I certainly will be using that in
4 appropriate places this fall, because that's a
5 great testimony, and I appreciate that greatly.

6 The point that I am trying to
7 make, Senator, and that this bill makes is
8 simply this. We establish welfare as an
9 entitlement program. We have debt service which
10 is an entitlement program that we have to pay.
11 We know that we have to maintain the prison
12 system, the mental health system. And all those
13 things are worked into the budget into the
14 fiscal plan of the state. But education we
15 don't handle that way.

16 This is the leftover program.
17 And I am saying we give education the same
18 standing in the fiscal planning of the state as
19 we do all these other programs. And, Senator,
20 if we have to tailor programs to fit the amount
21 of money available, we should do it. But we
22 have not been doing that.

23 We have been letting the

1 entitlement programs continue to grow, and we
2 have been letting education take the crumbs that
3 were left over, and I'm saying that is not
4 acceptable.

5 The time has come to put
6 education in there as an entitlement, as having
7 equal priority to everything else; that that
8 \$1-1/4 billion growth in revenue that we're
9 having every year should be as much entitled to
10 education as it is to anything else.

11 SENATOR SOLOMON: Mr. President.

12 ACTING PRESIDENT KUHL: Senator
13 Solomon.

14 SENATOR SOLOMON: Mr. President.
15 Will Senator Cook yield, please?

16 SENATOR COOK: Yes.

17 ACTING PRESIDENT KUHL: Senator
18 Cook yields.

19 SENATOR SOLOMON: Senator, do you
20 have any idea what the state gave in aid to
21 education this year.

22 SENATOR COOK: It's about \$600
23 million.

1 SENATOR SOLOMON: Total. Mr.
2 President. Will Senator Cook yield to another
3 question?

4 SENATOR COOK: Yes.

5 ACTING PRESIDENT KUHL: Senator
6 Cook yields to another question.

7 SENATOR SOLOMON: Senator, over
8 this period of time where you've cited the
9 increase in revenue as \$1-1/2 billion, do you
10 know what the percentage increase for aid to
11 education has been?

12 SENATOR COOK: Senator, I don't
13 have that precise number. We do know that the
14 percentage of the budget dedicated to education
15 has dropped from 27 percent back to about 21
16 percent, which, again, is right in line with
17 what I was saying. It is not given very much
18 priority.

19 So in point of fact, our aid to
20 education has not increased at the same rate as
21 expenditures for other purposes.

22 SENATOR SOLOMON: Mr. President.
23 Will Senator Cook yield?

1 SENATOR COOK: Yes.

2 SENATOR SOLOMON: But the amount
3 of money for aid to education has increased
4 substantially over the last few years, has it
5 not?

6 SENATOR COOK: Oh, of course. It
7 has. Which is exactly the point, Senator, but
8 it has not done it in any organized way, and
9 that's the second aspect of this bill because
10 the school districts will now know what their
11 education money will be from year to year, and
12 they can actually plan into the future, which is
13 something they are not able to do at the present
14 time.

15 SENATOR SOLOMON: Thank you, Mr.
16 President.

17 ACTING PRESIDENT KUHL: Senator
18 Dollinger.

19 SENATOR DOLLINGER: Mr.
20 President. Will the sponsor yield to a
21 question?

22 SENATOR COOK: Yes.

23 ACTING PRESIDENT KUHL: Senator

1 Cook yields.

2 SENATOR DOLLINGER: Just explain
3 this if I -- to me, if I can, so I understand
4 it. How does the bill work? A local community
5 has an election, and there is a ballot
6 proposition in which they elect to join this
7 program, and then they slowly begin to phase out
8 their dependence on property taxes; is that
9 correct?

10 SENATOR COOK: Correct.

11 SENATOR DOLLINGER: What happens
12 to the role of the local school board in setting
13 school fiscal policy in the community, then, if
14 they are elected? What's their role in this if
15 there are going to be optimal -

16 SENATOR COOK: Their role,
17 Senator, is that they will have an amount of
18 money within which they will have to function.
19 There will be a finite amount of money. This is
20 not unlike state department, not unlike State
21 University, not unlike everybody else that we
22 appropriate funds to, that there would be an
23 amount of money that would be that amount that

1 was set aside, and they would know in advance
2 what that was going to be.

3 SENATOR DOLLINGER: Okay. Mr.
4 President. Again if Senator Cook will yield.

5 SENATOR COOK: Yes.

6 ACTING PRESIDENT KUHL: Senator
7 Cook yields.

8 SENATOR DOLLINGER: Is there a
9 portion of this bill that allows local school
10 districts to elect to spend more than they get
11 from the state.

12 SENATOR COOK: Senator, no, there
13 is not, and let me tell you why. We are facing
14 a situation where in a number of states,
15 Washington, Michigan, Texas, to name a few,
16 there have been lawsuits in fact that have
17 challenged that very point that we are not
18 providing equal educational opportunities from
19 district to district. And that when states have
20 a constitutional responsibility for education of
21 children that that means that they have to
22 provide equal educational opportunity from
23 district to district.

1 So, in fact, the first portion of
2 this bill is treated as a transition period. I
3 can also tell you that based on information that
4 we have, the federal Congress is very apt
5 shortly to pass legislation which is going to
6 not only leave that in the area of the courts
7 but, in fact, may be be affirmatively inspecting
8 the states to find out if they are following
9 that provision of equal educational
10 opportunity.

11 So the whole point of this
12 phase-in period is to move us toward the second
13 phase, which is the point where the state will
14 provide for an equal educational opportunity for
15 every student in this state, and that is the
16 reason why those local options are not permitted
17 in the bill.

18 SENATOR DOLLINGER: Again through
19 you, Mr. President.

20 ACTING PRESIDENT KUHL: Senator
21 Cook, do you continue to yield?

22 SENATOR DOLLINGER: How does this
23 bill handle the variation in school districts?

1 For example, school district A has a high number
2 of high-achieving students that they want to
3 give advanced placement courses to and
4 accelerated courses. School district B has a
5 large number of handicapping students that need
6 special education. The school district C has a
7 large number of students who are, for some
8 reason, at the local level of educational
9 functioning and need more remediation and more
10 effort in those areas.

11 How does this bill address those
12 differences which are now under our current
13 system left to local school districts to
14 preserve local decision making by locally
15 elected officials to decide those issues?

16 SENATOR COOK: Mr. President. I
17 might take exception to your statement that it's
18 now left to localities because, as a matter of
19 fact, in most of the areas except in the gifted
20 and handicapped areas, there is very little
21 local discretion. They, as a matter of fact,
22 are pretty well mandated to provide those
23 services.

1 This does not cover mandated
2 services of that type, and the reason that it
3 doesn't is for the very reason that you stated.
4 There are vast variations from district to
5 district in terms of special needs students that
6 are expenditure driven. Those things are
7 outside this bill. That is a different portion
8 of the budget.

9 SENATOR DOLLINGER: Again through
10 you, Mr. President.

11 ACTING PRESIDENT KUHL: Senator
12 Cook, do you continue to yield?

13 SENATOR DOLLINGER: Where would
14 the school district get the funds to pay for
15 those extra services?

16 SENATOR COOK: Yes. Senator,
17 that portion of the funding, which is
18 approximately perhaps 25 percent of the budget,
19 that stays outside this bill. This does not
20 affect those categorical things that are funded
21 in that way.

22 Now, I can tell you that I would
23 expect another phase at some point to bring that

1 all into total state funding, but, frankly,
2 because some of what -- the concerns that are
3 being expressed here relative to the cost of
4 this, we are sensitive to that, and we are
5 trying to make this bill workable so we did not
6 lump everything totally into this bill in the
7 first place.

8 And the second thing is because
9 of the variables all over the state relative to
10 the very things that you were talking about,
11 they have been left outside this particular cap.

12 SENATOR DOLLINGER: Okay. Just a
13 final question, Mr. President.

14 ACTING PRESIDENT KUHL: Senator
15 Cook continues to yield.

16 SENATOR DOLLINGER: Describe for
17 me the role of a local school board if this
18 system becomes effective, where most of the
19 money for funding the schools as I understand it
20 will be coming from the state.

21 SENATOR COOK: Yes.

22 SENATOR DOLLINGER: What I heard,
23 at least in my district, is we have too much

1 state involvement in education, anyway, and it
2 inhibits innovation and inhibits local decision
3 making. What's your vision of the role of that
4 locally elected group right from the community
5 that have been running the schools for years?
6 What do they do when this system takes effect?

7 SENATOR COOK: Mr. President.
8 The role of the local school board will be to
9 determine the apportionment or the manner in
10 which they are going to utilize this funding.
11 We have not written -- tried to write the second
12 piece of this, will is what happens when the
13 state is final totally funding the districts.

14 But, as I envision it, it would
15 be a formula that would basically say that there
16 would be so many dollars provided for each
17 students provided every place in the state, or
18 perhaps there would be regional variations.
19 Those are things that are going to have to be
20 worked out probably over a two-year period
21 because that's when we'd start getting the first
22 districts phased into here. But it would be the
23 role of the local district to say, well, we got

1 a million dollars; we're going spend so much on
2 this program, and so much -- you know, salaries,
3 supplies, library, et cetera, et cetera. Those
4 are the kind of things that they would be making
5 their decision at the local level.

6 SENATOR DOLLINGER: On the bill,
7 Mr. President.

8 ACTING PRESIDENT KUHL: Senator
9 Dollinger on the bill.

10 SENATOR DOLLINGER: I appreciate
11 Senator Cook sharing his vision with us about
12 what this would look like in the final end
13 result. Frankly, I'm not sure what to do about
14 it because I share portions of that vision, but
15 I think as a practical matter if you talk to a
16 local school board today what they would tell
17 you is, when the state money arrives, it comes
18 with so many strings attached to it that the
19 local ability to spend it as they see fit is
20 extremely minimal. We tell them what to spend.
21 The money comes from us.

22 We have a tendency -- whether
23 directly through our own statutes or through

1 regulation, we tend to tell them exactly what to
2 do with the money, and the local options
3 disappear. The idea that we have 700 school
4 districts this state who are all out there
5 experimenting, trying different things, trying
6 different approaches to education, trying
7 different programs, I think that that ability to
8 have a whole bunch of educational laboratories
9 out there experimenting with education has some
10 value.

11 I do also think that the tendency
12 to rely extremely heavily on the property tax to
13 do it is something that is troubling. But it
14 seems to me the better approach would be to look
15 to a system of financing state education in
16 which we convert it really to educational
17 revenue sharing, where we give them the money
18 and allow them to experiment with it, to allow
19 them to innovate, allow them to address that A,
20 B and C school district that I mentioned a
21 minute ago. If there's a large number of gifted
22 and talented students, if there are a large
23 number of handicapped students, a large number

1 of students for English as a second language,
2 all of those districts should have the ability
3 locally to try to figure out what's the best
4 solution, to use their own money locally and
5 devise their own programs.

6 I see the trend in trying to
7 achieve the goal of reducing reliance on
8 property taxes as leading to the potential
9 problem of having Albany make all the decisions
10 about education and the experimentation,
11 innovation that we need in our school systems in
12 this state, which we ought to be encouraging, we
13 will actually discharge.

14 So I understand the vision that's
15 attached to this. I think this is an early
16 step. I hope if this bill passes this house
17 that it may come back, and there may be more
18 information next time. But at least at this
19 state, I see it as defeating local control of
20 education and defeating local experimentation,
21 which I think is the area which holds the best
22 promise for educational advancement in this
23 state.

1 ACTING PRESIDENT KUHL: Chair
2 recognizes Senator Wright.

3 SENATOR WRIGHT: Thank you, Mr.
4 President. I rise in support of the bill this
5 morning. I would like to take the opportunity
6 to commend Senator Cook in his initiatives as
7 chairman of the Education Committee in the last
8 two years.

9 If you take a look at what
10 occurred in last year's budget and again in this
11 year's budget, you are saw that under Senator
12 Cook's leadership there were significant
13 initiatives to changing the formula as it
14 relates to funding education, and that they were
15 positive changes particularly for our Upstate
16 areas of the state, assuring that there was some
17 equity in that distribution.

18 And I see this legislation as
19 moving one further step in that same direction
20 under Senator Cook's leadership. Reducing the
21 dependency on property taxes is one of the most
22 significant issues in education throughout this
23 state particularly in the rural areas of Upstate

1 New York. When you look at the requirements
2 being placed on the local property tax base,
3 that is not expanding and in fact, if anything,
4 is further eroding. And erosion of that revenue
5 stream only further restricts. Does not enhance
6 the local decision making of the school boards
7 but, in fact, restricts them because, in many
8 instances, the new dollars that are coming are
9 only state dollars, and they do not have the
10 capacity some of the larger areas of the state
11 have to draw upon their property tax base.

12 So it's extremely important that
13 we start to relieve those districts from the
14 additional fiscal burdens of property tax
15 increases, and make that transition to the state
16 funding. And I think the Senator has recognized
17 the best way to do that is to transition it, do
18 it over a period of time, and have the state
19 say, "Yes, education is a priority. We will
20 fund it with the broad-based state taxes to
21 ensure that there is equity for the children of
22 this state, regardless of whether they are from
23 rural areas, regardless of whether they are from

1 metropolitan areas. They will access the same
2 broad state tax basis in ensuring that there is
3 funding and equity within education."

4 I think that's very clearly a
5 step in the right direction, a very important
6 step in the right direction for New York State
7 to say, "We, number 1, will relieve the burden
8 on property taxpayers," and the requirement I
9 think is a legitimate requirement, that half of
10 those dollars in increased state aid be directed
11 toward that property tax reduction, and then the
12 other half is available for those priorities as
13 the localities set aside.

14 I think that is particularly
15 important. And in terms of my school districts,
16 it's clearly a step in the right direction, and
17 I think you'll see a majority of the school
18 districts throughout the state positively
19 impacted by this initiative, and I want to
20 commend Senator Cook in the direction he's taken
21 and encourage my colleagues to support the bill.

22 ACTING PRESIDENT KUHL: Chair
23 recognizes Senator Leichter.

1 SENATOR LEICHTER: Mr.
2 President. Would Senator Cook yield, please?

3 SENATOR COOK: Yes.

4 ACTING PRESIDENT KUHL: Senator
5 Cook yields.

6 SENATOR LEICHTER: Senator, I
7 wonder if you would be so kind as to walk us
8 through how this would work for the City of New
9 York? You provide for vote by the school
10 district. We don't have any procedure now
11 whereby school districts in the New York vote.

12 SENATOR COOK: Senator, it would
13 be the same in each respective school district
14 because there are other cities, small cities,
15 for example, that have a different procedure.
16 Utilize whatever the procedure is currently for
17 adopting their budget. So that where you have
18 the city board of education adopting a budget,
19 it would be at their request that this would be
20 the manner of funding that they would receive.

21 SENATOR LEICHTER: All right. So
22 if I understand it, the board of education in
23 the City of New York would have a vote, and they

1 would make the request for this optional form of
2 taxation -- I'm sorry -- optional form of
3 receipt of state aid.

4 Now, you provide that during the
5 transition period, when a school district has
6 certified to the Commissioner that the district
7 has elected to enter the optional system, the
8 school district will receive -- I can't find the
9 language at the moment, but it's a 10 percent
10 increase?

11 SENATOR COOK: Yes.

12 SENATOR LEICHTER: So if we do
13 this in New York City we will get a 10 percent
14 increase in our operational aid?

15 SENATOR COOK: In your operating
16 aid.

17 SENATOR LEICHTER: Now, I don't
18 know what our operating aid in New York City was
19 last year, but I think it was in the hundreds
20 and hundreds of million of dollars.

21 SENATOR COOK: It would be in the
22 billions I would suspect, Senator.

23 SENATOR LEICHTER: I would

1 suspect it would be in the billion, so we do
2 this. We get a 10 percent increase. I have
3 difficulty, then, in understanding, Senator, how
4 you come at the figure of 600 million. Is that
5 because you phase it in over a period of years?

6 SENATOR COOK: No, it's because
7 -- yeah, over a period of time. That is 600
8 million per year, Senator, of growth. It's not,
9 you know, a flat \$600 million.

10 SENATOR LEICHTER: Mr.
11 President. On the bill.

12 ACTING PRESIDENT KUHL: Senator
13 Leichter, on the bill.

14 SENATOR LEICHTER: Mr.
15 President. The nice thing about serving in the
16 Legislature, it's about the only place where you
17 can have your cake and eat it, too. You can
18 promise all these wonderful things.

19 And let me say, Senator, I think
20 what you are addressing is something that needs
21 to be addressed. There is no question about
22 it. Senator Wright is absolutely correct. The
23 burden not only in rural areas but the suburban

1 areas, for that matter in the City of New York,
2 the real property tax has really been extended
3 to the point where it just can not bear any
4 longer the demands that are put upon it.

5 But this means that you got to
6 come up with an alternative system of financing
7 and that's, indeed, what Michigan did. They put
8 it to the voters, and the voters agreed to it.
9 But where, Senator Cook, I think you are having
10 your cake and eating it, too, is you are putting
11 forward this program that obviously changes the
12 whole manner in which revenue is raised not only
13 locally but in the state, but you fail to
14 address how are we going to raise what
15 eventually is going to put a much greater burden
16 on the State of New York, and I think it makes
17 sense. I would like to do it, and I will
18 promise you right here and now that I will vote
19 for the revenue for it, but I would like to get
20 that same promise from you and Senator Wright,
21 and I suspect that that promise is not going to
22 be forthcoming because it will be very nice to
23 go to your district and say, "I'm going to

1 address the real property tax and I'm going to
2 lower it," but you are not telling them what
3 other taxes you are going to have to eventually
4 increase, and I don't think you are going to do
5 it.

6 You know, Senator Gold made an
7 excellent proposal some years ago that we have-
8 and it was a serious proposal -- that we have
9 some ideas or notions that really not be put
10 into a bill form but that they be put forward in
11 the idea of concepts and so on, and yours is a
12 concept and, furthermore, really ought to be
13 more in the nature of what I think is going to
14 be a press statement or press release; because
15 as a bill, to say we're going to change the
16 entire system of financing and then not tell us
17 how we're going to do this, I think is not fair
18 to the people of the state and it's misleading.

19 Let me say, we've had a lot of
20 high level commissions that have looked into
21 this, that have made recommendations. By the
22 way, none of that -- none of those
23 recommendations have ever been accepted by the

1 Majority here that would have addressed, at
2 least in part, some of the problems of the
3 excessive reliance on the property tax to
4 finance education, also get rid of some of the
5 other disparities.

6 So you really have to ask
7 yourself, you know, how serious is this effort
8 when we've had a chance to do it. When we've
9 had the recommendations of very wise commissions
10 that have studied this, we failed to do anything
11 about it. As you know, there are court cases
12 now that are going to challenge the financing
13 system that we have for education. And
14 probably, in this particular instance, I think
15 the courts are going to do the right thing, and
16 they are going say that the financing system
17 that we have in this state is unconstitutional.

18 So let me say, Senator Cook, I
19 really unfortunately can't take this very
20 seriously. I think it's an expression of
21 something that we would like to do, "Wouldn't it
22 be wonderful if..." Yeah, I'll go along with
23 that. It would be wonderful. But, Senator, I

1 would like to see the financing mechanism.

2 And what I need to see before I
3 can support such a thing is to know that the
4 majority in this house has the courage to vote
5 for taxes. I don't think you do.

6 SENATOR COOK: Mr. President.

7 ACTING PRESIDENT KUHL: Senator
8 Cook, why do you rise?

9 SENATOR COOK: I've served in the
10 majority of this house for years -

11 ACTING PRESIDENT KUHL: Senator
12 Cook, I have a list running.

13 SENATOR COOK: I beg your pardon.

14 ACTING PRESIDENT KUHL: Okay?
15 Senator Stachowski.

16 SENATOR STACHOWSKI: Will the
17 sponsor yield for a couple of questions?

18 ACTING PRESIDENT KUHL: Senator
19 Cook, do you yield?

20 SENATOR STACHOWSKI: Senator, I
21 was listening to the debate earlier, and you
22 said how this system will drive the various
23 school districts to an equal form of educational

1 funding and that all students will then
2 eventually be treated equal.

3 How long will it take before -
4 for example, the students out West in Buffalo
5 and Erie County maybe average about \$6,000 per
6 student in expenditures, while in Long Island
7 let's say \$12,000 for an example. How are we
8 going to bring that together if they are all in
9 the system? And is it fair while they first
10 start out that they are still only getting half
11 as much per student in, say, Western New York as
12 they're getting in Long Island?

13 SENATOR COOK: Senator, we do not
14 attempt to address that issue in an immediate
15 way, because the practicality of it is that we
16 would, if we tried to do that, have to do what
17 Senator Leichter wants to do, which is double
18 the state income tax.

19 But this transition period we
20 recognize is a time that we're going to have to
21 move toward that. The answer in regard to a
22 specific school district, it depends on the
23 school district. If it is a district that has a

1 relatively large, high operating aid formula,
2 then it will happen faster than a district that
3 has relatively low operating aid formula,
4 because it's 10 percent on top of the status
5 quo. So I really don't have an answer for you
6 on that question.

7 SENATOR STACHOWSKI: Thank you.

8 ACTING PRESIDENT KUHL: Senator
9 Oppenheimer.

10 SENATOR OPPENHEIMER: I have
11 considerable concerns for the districts that I
12 represent. It is true that our property tax is
13 overburdened and that we have to look to
14 alternatives, and it isn't that I don't applaud
15 you for what you are trying to do, but it has to
16 take into account those suburban districts where
17 residents have been willing to tax themselves
18 because they feel that the education quality is
19 of such nature that they are willing to foot the
20 cost even though, at this point, after many
21 years of doing that, they are finding it
22 increasingly burdensome.

23 But we have what we consider to

1 be some of the pilot districts of the state in
2 my county, and we feel that they are leading the
3 way in innovative education; and that were this
4 to pass, we would see a leveling down of
5 education rather than promoting a upward
6 movement to funding education at a higher level
7 and permitting all districts to try and rise to
8 the quality that we believe many of my districts
9 are at.

10 One thing that's very concerning
11 to me is that school boards would appear to be
12 losing some of their authority in this bill.
13 Would you care to comment? Would you yield for
14 that question, Senator?

15 ACTING PRESIDENT KUHL: Senator
16 Cook, do you yield?

17 SENATOR OPPENHEIMER: Would
18 school boards still have the kind of authority
19 that they have now to determine the curriculum
20 and the education?

21 SENATOR COOK: Senator, school
22 boards would have all of the authority that they
23 currently have with one caveat in that they

1 would have to do it. First, let's point out, as
2 pointed out by Senator Leichter, there is an opt
3 in provision, so the school district has the
4 option of either joining this or not.

5 But to get directly to your
6 question, assuming they did opt in, yes, they
7 have all the options the they currently have
8 except for one, and that is that they aren't
9 going to be able to raise their property tax.

10 SENATOR OPPENHEIMER: Thank you,
11 Senator.

12 ACTING PRESIDENT KUHL: Senator
13 Cook, you are next on the list to speak if you
14 wish at this time, sir.

15 SENATOR COOK: I'll pass.

16 ACTING PRESIDENT KUHL: Senator
17 Cook waives, passes.

18 Senator Mendez is next month on
19 the list.

20 SENATOR MENDEZ: Thank you, Mr.
21 President. Will Senator Cook yield for a couple
22 of questions?

23 SENATOR COOK: Sure.

1 SENATOR MENDEZ: Thank you.

2 According to your vision if, in fact, you are
3 saying that the inequality that exists in the
4 funding throughout the state for the local
5 schools if that is going to remain that you did
6 not address that issue, then my question is
7 isn't this magnificent plan a way to use
8 education primarily to reduce property taxes?

9 SENATOR COOK: Senator -- is that
10 a question, Mr. President?

11 Senator, it is indeed a means of
12 reducing property taxes but I would also point
13 out that as that district has reduced the
14 property tax, it also has another five percent
15 increase in expenditure. So that, for example,
16 in the City of New York -- and I am now told
17 that this would be about \$150 million increase
18 in the first year -- that that would be a net
19 \$75 million in increase for spending on
20 education within the City of New York that would
21 be guaranteed under this bill.

22 SENATOR MENDEZ: Uh-huh. Will
23 the Senator yield to another question.

1 ACTING PRESIDENT KUHL: Senator
2 Cook, do you continue to yield?

3 SENATOR COOK: Yes.

4 SENATOR MENDEZ: You mentioned -
5 initially, when you were explaining your bill,
6 you mentioned debt service.

7 SENATOR COOK: Correct.

8 SENATOR MENDEZ: And if I
9 understand correctly, your premise is that in
10 the same fashion that in state government there
11 has been an increase in entitlement programs,
12 however, education is not considered such. Am I
13 correct?

14 SENATOR COOK: M-m h-m-m.

15 SENATOR MENDEZ: Aha! Therefore
16 -- therefore, would you be advocating in terms
17 of getting the monies to insure that this plan
18 of yours gets on, would you be considering for
19 the financing, let's say, increasing the debt
20 service, whether it's through bonds or some kind
21 of financial mechanism like that?

22 SENATOR COOK: Are you asking if
23 I would consider doing what with the bonds?

1 SENATOR MENDEZ: Like, for
2 example this transitional period would cost \$400
3 million a year.

4 SENATOR COOK: Yes.

5 SENATOR MENDEZ: Since you did
6 talk about debt service and you want to sort of
7 elevate education at the same level of other
8 entitlement programs -- right?

9 SENATOR COOK: Yes.

10 SENATOR MENDEZ: Would you be -
11 to raise those \$400 million, initially, or more
12 eventually, would you consider like having the
13 state increase its debt service through issuing
14 bonds.

15 SENATOR COOK: No. No, I don't
16 think that that would be a wise thing to do.
17 Actually, we're talking about operating
18 expenditures which are the actual cost of
19 running the schools. Building aid is,
20 incidentally, a categorical aid. That's not
21 included in this, so debt service for that -

22 Senator, just to clarify. My
23 point when I spoke of debt service was that

1 there are certain things that when the Governor
2 sits down and writes his budget, proposes his
3 budget to the Legislature, he knows he has to
4 put in there. He knows he has to put debt
5 service in there. He knows he has to put the
6 money in for the entitlement programs. And this
7 simply says he also is now going to know that he
8 has to put money in there for education.

9 We have consistently seen budgets
10 coming before us where governors have proposed
11 \$250 million, which is a pittance compared to
12 what they were spending on everything else.
13 This bill simply says to the governor, "Look,
14 that is a priority that is equal to all the
15 other priorities in the state; and when you
16 write your budget, you are going to have to put
17 it at the same level, give it the same priority
18 as everything else."

19 SENATOR MENDEZ: Thank you,
20 Senator Cook. On the bill, Mr. President.

21 ACTING PRESIDENT KUHL: Senator
22 Mendez on the bill.

23 SENATOR MENDEZ: I think this is

1 a very good idea. At this point, however, there
2 are about -- as was mentioned earlier, there are
3 about four cases in court that will probably
4 come down with a decision that the way that we
5 fund our public school system is
6 unconstitutional.

7 So that at this point in time I
8 will not be supporting this bill. I really want
9 to congratulate Senator Cook because he has
10 brought over an issue that everybody has been
11 sweeping under the rug and that has to be taken
12 up, and the idea deserves greater consideration
13 or refinement.

14 So, but I will not be supporting
15 it at this point, because what really bothers me
16 is that I do not see in this transition period
17 an easiness of the horrible inequality that
18 exists in terms of how educational funds are
19 distributed throughout the state. Even within
20 my own district in the City of New York, in the
21 southern part of my district, the schools do
22 better than other areas, and I think that
23 eventually that is one of the most crucial

1 problems that we have to deal with if we are
2 positioning ourselves in looking closely at the
3 realities that there is going to be a
4 transformation in the world of work through
5 technology and things of that sort. And if we
6 do not place more monies to educate our kids,
7 then our social programs could, in fact, grow
8 more in unemployment. Who knows, maybe more in
9 crime and all those other negative social
10 problems that none of us like to have. So that
11 education has to be the road to ensure that all
12 children will be able to move up the socio
13 economic level in our society and then
14 contribute to the betterment of all.

15 Thank you, Mr. President.

16 ACTING PRESIDENT KUHL: Chair
17 recognizes Senator Connor.

18 SENATOR CONNOR: Thank you, Mr.
19 President.

20 It's interesting to see this bill
21 on the calendar today because, as I've mentioned
22 to Senator Cook in the past, I have a very good
23 friend in my district who is active in political

1 circles and whatever. Every now and then -- and
2 in community circles -- and every now and then
3 at the end of a meeting on some Brooklyn
4 community issue, he will call me aside and he'll
5 say, "Senator, would you talk to Senator Cook.
6 I have a house in his district, and I'm getting
7 killed on property taxes, and we just have to do
8 something about it. It's just unreasonable."

9 So I sympathize with Senator
10 Cook's concern for what's happened with property
11 taxes in all the localities throughout New York
12 State. I certainly am not going to say it's not
13 a problem, but we have lots of problems, and
14 they are related.

15 The cost of education obviously
16 is what drives many of these local property
17 taxes. But, you know, really, it's a
18 complicated problem. It ought to be addressed.
19 It ought to be thought out. It ought to be
20 negotiated out. You have to give concern to the
21 state fiscal situation. You have to recognize
22 the tax burden that people in many localities
23 are under, and you, above all, certainly have to

1 pay attention to the cost of education as well
2 as the quality of education, and, more
3 importantly, you have to look at equity in
4 education.

5 All of the children our state, no
6 matter where they reside, ought to be given a
7 first-rate public education. Our constitution
8 guarantees that. We haven't met that
9 responsibility.

10 But we have been assured by the
11 Majority Leader here that the session is rapidly
12 coming to a close, or at least it's coming to a
13 close, and this is much too big an issue to
14 simply put a bill on the calendar in the closing
15 days of the session, no real agreement with the
16 other house or the executive, no real consensus
17 throughout the state for revising the system
18 property taxation, for revising the method of
19 funding education.

20 These are weighty issues that we
21 ought to address, but I don't think with all due
22 respect to Senator Cook -- and maybe this gets
23 the ball rolling, maybe it doesn't. A lot of

1 times we hear in the last days of the session,
2 "This will get the ball rolling," and we find
3 out, no, it will get the press release out at
4 the end of June and the beginning of July, and
5 we all come back or many of us come back -- this
6 is an election year. Many of us come back
7 refreshed in January, and we forget about the
8 issue for another year and a half until we are
9 back in this great political cycle or until
10 someone says, "Gee, the session's closing. I
11 better wheel out my bill to deal with property
12 taxes, education costs and so on."

13 The issue is certainly one that
14 bears attention, but it bears a lot of thought,
15 a lot of discussion, a lot of hearings. There's
16 a lot of expertise in our state to address the
17 various facets of this issue.

18 I don't really think, Mr.
19 President, with all due respect that it's useful
20 in this closing of this session to have a bill
21 like this that raises more questions than it
22 answers -- and there's nothing wrong with
23 raising questions, but it really does raise more

1 questions than it addresses. The questions
2 ought to be addressed. They can't be addressed
3 in this fashion.

4 Thank you, Mr. President.

5 ACTING PRESIDENT KUHL: The
6 Secretary will read the last section.

7 THE SECRETARY: Section 3. This
8 act shall take effect October 1, 1994.

9 ACTING PRESIDENT KUHL: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 51.

13 ACTING PRESIDENT KUHL: The bill
14 is passed.

15 Senator Present.

16 SENATOR PRESENT: Mr. President.
17 Can we take up calendar 560.

18 SENATOR DeFRANCISCO: Excuse me.
19 Excuse me. Mr. President, can I explain my
20 vote? I had risen.

21 ACTING PRESIDENT KUHL: Secretary
22 will withdraw the roll call on Calendar Number
23 1326. Recognize Senator DeFrancisco to explain

1 his vote.

2 SENATOR DeFRANCISCO: I just
3 wanted to mention that this question concerning
4 the proper way to fund education is one that has
5 been around for a long time, as everyone knows.
6 And I think most people agree that funding
7 education primarily by way of the real estate
8 property tax is not the most equitable way to do
9 it. The Governor in the "State of the State
10 Message" a while back, either this year or the
11 year before, suggested one way to have income
12 taxes at the option of the various counties be
13 one option. It didn't fly very well since many
14 school districts overlapped into different
15 counties, but at least it was an idea. At least
16 it was a thought, because there are court
17 challenges all over the country on funding
18 education simply by property taxes.

19 Although this may not be finally
20 adopted this year, I think it's extremely
21 important that such an enlighten approach, that
22 a phase in of a system other than property taxes
23 to fund education be begun, and this is a great

1 first start, and I think Senator Cook should be
2 commended for the ingenuity of the bill and also
3 to start the discussion going, and hopefully it
4 will end very soon in a very favorable
5 determination by both houses and the Governor.

6 I vote yes.

7 ACTING PRESIDENT KUHL: Senator
8 DeFrancisco in the affirmative.

9 Announce the results.

10 Senator Jones.

11 SENATOR JONES: To explain my
12 vote.

13 ACTING PRESIDENT KUHL: Senator
14 Jones to explain her vote.

15 SENATOR JONES: I have to say
16 that I share with my colleagues the same concern
17 over where the funding for this is going to come
18 from or how we're going to bring it about. But
19 I also guess I believe that maybe something
20 radical has to happen. Maybe that's the only
21 way that we're going to change this. That's
22 what happened in Michigan. That's what happened
23 other places. I'm well aware that we clearly

1 have to help the property owner or I really have
2 grave concerns as to what's going to happen to
3 the future of education in our state, so I'm
4 willing to take a chance, you know, and I guess
5 I will be around to remind you when we start
6 divying out the money next year that we're going
7 to have to pay for this.

8 ACTING PRESIDENT KUHL: Senator
9 Saland to explain his vote.

10 SENATOR SALAND: Thank you, Mr.
11 President.

12 Mr. President. I would like for
13 myself and I think for many others to join in
14 praising Senator Cook for his efforts. He is
15 dealt with this issue in a fashion that I think
16 is certainly entitled to the highest of
17 commendation. It's certainly not an easy topic
18 to deal with. It's one that's, to many, loaded
19 with a host of problems, a host of other issues
20 that spin off.

21 We all talk about the importance
22 of changing the system. We all talk about how
23 inequitable real property taxes are as the basis

1 of wealth.

2 What Senator Cook has done, he's
3 been willing to take a leadership position on
4 this. And when you do that, obviously, by
5 getting out in front of the pack, you run the
6 risk, at times, of being sniped at.

7 Well, I commend him for his
8 willingness. I commend him for his effort.
9 This is a piece that really is, I think, the
10 major innovation that's been offered in either
11 house or by the executive really as long as I
12 have been involved in the system, and that's now
13 some 14 years or so.

14 It's a bill which, as I believe I
15 heard the Senator say earlier, really says for
16 all of us that pay lip service to education,
17 "We're making education an entitlement," the
18 same entitlement that so many other programs are
19 basically guaranteed. We are now guaranteeing
20 within our process pursuant to this bill a
21 funding mechanism that's going to provide for
22 expanded education while at the same time
23 providing a means to lower real property tax at

1 the option of any district, including those that
2 may choose to opt out if they wish to provide
3 more local monies than would otherwise be
4 provided.

5 Thank you Mr. President. I vote
6 in the affirmative.

7 ACTING PRESIDENT KUHL: Secretary
8 call the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 51.

11 ACTING PRESIDENT KUHL: The bill
12 is passed.

13 ACTING PRESIDENT KUHL: The bill
14 is passed.

15 Senator Leichter. Do you wish to
16 be recorded in the negative on Calendar Number
17 1326.

18 SENATOR LEICHTER: Yes, please.

19 ACTING PRESIDENT KUHL: Senator
20 Leichter will be recorded in the negative on
21 Calendar Number 1326.

22 The bill is passed.

23 Senator Present.

1 Senator Holland.

2 SENATOR HOLLAND: Yes. With
3 unanimous consent, I'd like to be recorded in
4 the negative on Calendar Number 432.

5 ACTING PRESIDENT KUHL: Without
6 objection, Senator Holland will be recorded in
7 the negative on Calendar Number 432.

8 Senator Saland.

9 SENATOR SALAND: Mr. President.
10 If it's appropriate to do a little bit of house
11 keeping here, I'd like to star Calendar Number
12 790, Senate 3105; and Calendar 1414 and Senate
13 796B. And I would like to remove the star from
14 Calendar 478, Senate 5881; and remove the star
15 from Calendar 599, Senate 7327.

16 ACTING PRESIDENT KUHL: Okay.
17 The stars will be removed on Calendars Number
18 709, I believe, and 1414. And stars will be
19 placed on Calendar Number 478 and 599.

20 Senator Lack.

21 SENATOR LACK: Mr. President.
22 Please remove the star on Calendar Number 492.

23 ACTING PRESIDENT KUHL: Sponsor

1 star is removed to Calendar Number 492.

2 Senator Skelos.

3 SENATOR SKELOS: Mr. President.

4 Please remove the sponsor star on Calendar
5 Number 794.

6 ACTING PRESIDENT KUHL: Sponsor
7 star is removed on Calendar Number 794.

8 Senator Hoffmann.

9 SENATOR HOFFMANN: Mr.

10 President. I was out of the chamber at the time
11 the vote was taken on Calendar 432. I would
12 request unanimous consent to be recorded in the
13 negative on that bill.

14 ACTING PRESIDENT KUHL: Without
15 objection, Senator Hoffmann will be recorded in
16 the negative on Calendar Number 432.

17 Senator Mendez.

18 SENATOR MENDEZ: Mr. President.

19 I was out of the chamber when the vote was taken
20 on Calendar Number 1326. I wish to be recorded
21 in the negative.

22 ACTING PRESIDENT KUHL: Senator
23 Mendez, without objection, will be recorded in

1 the negative on Calendar Number 1326.

2 Senator Larkin.

3 SENATOR LARKIN: Mr. President.

4 Unanimous consent to be recorded in the negative
5 on Calendar Number 432.

6 ACTING PRESIDENT KUHL: Without
7 objection, Senator Larkin will be recorded in
8 the negative on Calendar Number 432.

9 Senator Espada.

10 SENATOR ESPADA: Mr. President.

11 Permission to be recorded in the negative on
12 Calendar Number 715.

13 ACTING PRESIDENT KUHL: Without
14 objection, Senator Espada will be recorded in
15 the negative on Calendar Number 715.

16 Senator Present.

17 SENATOR PRESENT: Mr. President.

18 Can we take up Calendar Number 560.

19 THE SECRETARY: Calendar Number
20 560, by Senator Lack, Senate Bill Number 7207,
21 an act to amend the Judiciary Law and the New
22 York City Civil Court Act.

23 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT KUHL: Senator
8 Rath.

9 SENATOR RATH: Abstain.

10 ACTING PRESIDENT KUHL: Senator
11 Rath wishes to abstain, without objection.

12 SENATOR PRESENT: No objection.

13 ACTING PRESIDENT KUHL: Announce
14 the results when tabulated.

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 560 are Senators
17 Daly, Dollinger, Jones, Nanula and Wright.
18 Ayes 45. Nays 5.

19 ACTING PRESIDENT KUHL: Bill is
20 passed.

21 Senator Present.

22 SENATOR PRESENT: Mr. President
23 can we take up Calendar 1106.

1 ACTING PRESIDENT KUHL: Secretary
2 will read Calendar 1106.

3 THE SECRETARY: Calendar Number
4 1106, by Senator Stafford, Senate Bill Number
5 8030A, proposing amendment to the Constitution,
6 in relation to the exchange of certain forest
7 preserve land.

8 SENATOR STAFFORD: Thank you, Mr.
9 President. I will explain it.

10 This is a Governor's program bill
11 which has been agreed upon with the Assembly.
12 We have up in our area a beautiful golf course.
13 It is known as the Saranac Inn golf course. It,
14 of course, provides people recreation and is
15 very much part of the economy. It's not only
16 playing golf, but it's just great to walk around
17 it.

18 Now, it was determined a few
19 years ago that some of the golf course was over
20 on some state land. So what we have done here
21 is we have worked out a compromise, a
22 constitutional amendment, whereby the golf
23 course land would be deeded to the owner, but -

1 but, the exact same amount of land from the golf
2 course would be conveyed to the state. So
3 that's where we are on it.

4 SENATOR OPPENHEIMER: Thank you,
5 Senator, for your explanation.

6 ACTING PRESIDENT KUHL: Senator
7 Oppenheimer.

8 SENATOR OPPENHEIMER: I am loathe
9 to take the opposite position to our good
10 Senator, who just spoke, but I feel I must
11 because the Saranac Inn golf course and the
12 country club, they have been using 8-3/4 acre of
13 forest preserve for many years as part of their
14 golf course. And that was inappropriate and now
15 they are looking to have it made legal. There
16 are, as we all know, historic constitutional
17 protections in the Adirondack Park; and the
18 Adirondack Park, this part, is under the forever
19 wild provisions; and that clause clearly states
20 that this kind of a usage is not permitted.

21 If there were identified some
22 other land that could be swapped for this that
23 might possibly meet the provisions of the

1 forever wild clause, but that isn't enumerated;
2 and this is a very longstanding illegal use of
3 protected forestland, and I certainly don't
4 think we ought to be making legal what is
5 illegal in our constitution.

6 So I would urge all to oppose
7 this bill which is very much opposed by our
8 environmental groups in the State of New York.

9 ACTING PRESIDENT KUHL: Is there
10 any other Senator wishing to speak on the
11 concurrent resolution?

12 Hearing none, the question is on
13 the resolution. All those in favor, signify by
14 saying aye.

15 (Response of "Aye.")

16 Those opposed, nay.

17 (Response of "Nay.")

18 The resolution is adopted.

19 We will call the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 49. Nays
22 3. Senators Dollinger, Leichter and Oppenheimer
23 recorded in the negative.

1 ACTING PRESIDENT KUHL: The
2 resolution is adopted.

3 Senator Gold.

4 SENATOR GOLD: Could you please
5 recognize Senator Markowitz for a moment?

6 ACTING PRESIDENT KUHL: Be happy
7 to recognize Senator Markowitz.

8 Senator Markowitz.

9 SENATOR MARKOWITZ: With
10 unanimous consent, had I been in the chamber,
11 yesterday afternoon, even though I had announced
12 it before I left, I want to be recorded in the
13 negative on Calendars Number 310, 799, 800, 801,
14 993, 994, 995, 998, 1133, 1238, 1239 and, today,
15 Calendar Number 715.

16 Thank you very much, Mr.
17 President.

18 ACTING PRESIDENT KUHL: Without
19 objection, Senator Markowitz will be recorded in
20 the negative on today's Calendar 715.

21 The record will reflect, Senator
22 Markowitz, that had you been present yesterday
23 you would have been recorded in the negative -

1 and had had the opportunity to vote you would
2 have voted in the negative on Calendars Number
3 310, 799, 800, 801, 993, 994, 995, 998, 1133,
4 1138 and 1139.

5 SENATOR MARKOWITZ: 1238 and
6 1239, did you mention that?

7 ACTING PRESIDENT KUHL: 1238 and
8 1239.

9 SENATOR MARKOWITZ: And today 715
10 and 1106, I'm sorry. And 1106 in the negative,
11 as well.

12 THE SECRETARY: Today?

13 SENATOR MARKOWITZ: Today, yes.

14 ACTING PRESIDENT KUHL: Without
15 objection, Senator Markowitz will be recorded in
16 the negative on Calendar Number 1106, today.

17 SENATOR GOLD: And Mr. President,
18 I think the report should indicated that Senator
19 Markowitz doesn't think too much of the bills we
20 did yesterday.

21 ACTING PRESIDENT KUHL: Senator
22 Present.

23 SENATOR PRESENT: Mr. President.

1 Can we take up Calendar 1290.

2 ACTING PRESIDENT KUHL: Secretary
3 will read Calendar Number 1290.

4 THE SECRETARY: Calendar Number
5 1290, by Senator Stafford, Senate Bill Number
6 443, an act to amend the Environmental
7 Conservation Law.

8 SENATOR GOLD: Explanation.

9 ACTING PRESIDENT KUHL: Senator
10 Stafford, an explanation has been asked for by
11 Senator Gold on Calendar Number 1290.

12 SENATOR STAFFORD: Mr.
13 President. This piece of legislation is
14 introduced and it's been passed for the last few
15 years, and it's a very, very serious situation.
16 There is a difference of opinion about the PCBs
17 that are in the Hudson and how they should be
18 treated -- or removed I guess is a better word.
19 There are some people who maintain that actually
20 you can do it by breaking down the substances.
21 Others have said you should dig it up.

22 A plan has been suggested whereby
23 the PCBs will be dug up in the vicinity of

1 Washington County and then placed in a landfill
2 right in the middle of a dairy area. And we're
3 very concerned about it. We feel it shouldn't
4 be done. And we're saying here that this would
5 have to be approved by the town where they are
6 considering putting the landfill.

7 I would emphasize again, one of
8 the great things in this country is we can
9 disagree. And believe you me, there is
10 disagreement on how these PCBs should be
11 treated.

12 SENATOR GOLD: Mr. President.

13 ACTING PRESIDENT KUHL: Chair
14 recognizes Senator Gold.

15 SENATOR GOLD: Yes, let me just
16 yield to Senator Oppenheimer.

17 SENATOR OPPENHEIMER: Thank you,
18 Senator Gold.

19 ACTING PRESIDENT KUHL: She
20 actually heard you.

21 Senator Oppenheimer.

22 SENATOR OPPENHEIMER: This is -
23 once, again, I do like standing up and objecting

1 to a bill that is Senator Stafford's, but this
2 really -- would be a very undesirable legal
3 precedent.

4 What this bill would say is that
5 a municipality unilaterally can reject any
6 necessary regional facilities that it doesn't
7 like. And there is absolutely no way we're ever
8 going to site anything, because if an individual
9 municipality can object, believe me, they will
10 be objecting.

11 This is going to codify "not in
12 my back yard," which we all know is NIMBYism.
13 It is very difficult to site an industrial
14 hazardous waste facility. It is one of the most
15 difficult to things to site along with some of
16 our group homes, but it obviously has to be
17 done.

18 We must clean up many of our
19 sites that are presently considered hazardous
20 waste sites. And if we have no place to put the
21 waste materials, we're at a loss. We can't
22 proceed with any cleanup.

23 Now, the PCBs have to be cleaned

1 up from the Hudson River. Also we have
2 environmental hazardous waste in the Long Island
3 Sound. Our fisheries are in need of this kind
4 of -- of a site to put the waste, the hazardous
5 waste. It's an economic development issue as
6 well, and we can not proceed if we can not site
7 these regional facilities for the hazardous
8 waste.

9 So I think it's a terrible
10 precedent that we would be starting if we were
11 to say that a municipality can reject a site.
12 We have to look at what is the regional good and
13 do our best with sensitivity to site these
14 facilities in various regions around our state.

15 I would urge a no vote.

16 ACTING PRESIDENT KUHL: Secretary
17 will read the last section.

18 SENATOR GOLD: Mr. President.

19 ACTING PRESIDENT KUHL: Senator
20 Gold.

21 SENATOR GOLD: Yes, I would just
22 like to remind our members that the last time
23 this was around there were a substantial number

1 of no votes on the issue, and the Scenic Hudson,
2 Inc., is opposed to it and the Department of
3 Environmental Conservation is opposed to it.
4 They are very much concerned about the
5 precedent.

6 ACTING PRESIDENT KUHL: Secretary
7 will read the last section.

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT KUHL: Announce
14 the results when tabulated.

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 1290 are
17 Senators Connor, Espada, Gold, Leichter,
18 Markowitz, Montgomery, Nanula, Ohrenstein,
19 Onorato, Smith, Stachowski, also Senator Daly,
20 also Senator Oppenheimer, also Senator Present.
21 Ayes 41. Nays 14.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

1 SENATOR LACK: Mr. President.

2 ACTING PRESIDENT KUHL: Senator
3 Lack.

4 SENATOR LACK: Mr. President. If
5 I may make a unanimous consent statement. It's
6 an very important day here in our New York State
7 Senate. The reason it's so important, it's the
8 birthday of our chair of the Finance Committee,
9 the Honorable Senator Ronald Stafford. We all
10 wish Senator Stafford a very, very happy
11 birthday, but there's one more announcement that
12 goes with that; and that is, that Senator
13 Stafford just yesterday, and he doesn't know it,
14 has been named "Legislator of the Year" by the
15 Republican National Legislators Association, as
16 well, so that's, indeed, a very distinguished
17 honor.

18 So, Senator Stafford,
19 congratulations on your birthday and on your
20 status as Legislator of the Year.

21 (Applause.)

22 SENATOR LACK: And after the way
23 he debated the last couple of bills, there is no

1 reason to call on him to speak.

2 ACTING PRESIDENT KUHL: Senator
3 Libous.

4 SENATOR LIBOUS: Mr. President.
5 May I have unanimous consent to be recorded in
6 the negative on Calendar Number 560.

7 ACTING PRESIDENT KUHL: Without
8 objection, Senator Libous will be recorded in
9 the negative on Calendar Number 560.

10 Senator Farley.

11 SENATOR FARLEY: I like to be
12 recorded in the negative on 432.

13 ACTING PRESIDENT KUHL: Without
14 objection, Senator Farley will be recorded in
15 the negative on Calendar Number 432.

16 Senator Nozzolio.

17 SENATOR NOZZOLIO: Mr.
18 President. I ask unanimous consent to be
19 recorded in the negative on Calendar Number 432
20 and Calendar Number 560.

21 ACTING PRESIDENT KUHL: Without
22 objection, Senator Nozzolio will be recorded in
23 the negative on Calendar Number 435 and 560.

1 Senator Stachowski.

2 SENATOR STACHOWSKI: Mr.

3 President. May have I have unanimous consent to
4 be recorded in the negative on Calendar Number
5 560.

6 ACTING PRESIDENT KUHL: Without
7 objection, Senator Stachowski will be recorded
8 in the negative on Calendar Number 560.

9 Senator Seward.

10 SENATOR SEWARD: Yes, Mr.

11 President. I also would ask unanimous consent
12 to be recorded in the negative on Calendar
13 Numbers 432 and 560.

14 ACTING PRESIDENT KUHL: Without
15 objection, Senator Seward will be recorded in
16 the negative on Calendar Numbers 432 and 560.

17 ACTING PRESIDENT KUHL: Senator
18 Present, we have a message from the Assembly.
19 We can take at this time. I will hand it down
20 to the clerk -- the Secretary and ask the
21 Secretary to read.

22 THE SECRETARY: Assembly returned
23 Senator Libous' bill, Senate Bill Number 4473A,

1 an act to amend the Social Services Law, with
2 amendments, to become Assembly reprint number
3 30004.

4 ACTING PRESIDENT KUHL: Without
5 objection, the motion is granted. Concur in the
6 amendments. The bill will be restored to the
7 Senate Third Reading Calendar.

8 Chair recognizes Senator Present.

9 SENATOR PRESENT: Mr. President.
10 Let's go back to the regular order.

11 ACTING PRESIDENT KUHL: Secretary
12 will continue the regular order beginning with
13 Calendar Number 1330.

14 THE SECRETARY: Calendar Number
15 1330, by Senator Seward, Senate Bill Number
16 4262A, an act to amend the Tax Law and the
17 Public Service Law.

18 ACTING PRESIDENT KUHL: The
19 Secretary will read the last section.

20 THE SECRETARY: Section 6. This
21 act shall take effect immediately.

22 ACTING PRESIDENT KUHL: Call the
23 roll.

1 SENATOR LEICHTER: Explanation.

2 ACTING PRESIDENT KUHL: Withdraw
3 the roll call. Senator Seward, an explanation
4 has been asked for by Senator Leichter.

5 SENATOR SEWARD: Yes, Mr.
6 President. This legislation deals with
7 gradually phasing out the gross receipts tax,
8 which is currently applied to utilities, the
9 telephone companies and the gas and electric
10 companies, utilities, and replacing that with a
11 net income tax. It's a phase-in -- or I should
12 say a phase-out, more accurately. It would
13 freeze the '95 liability to the '94 figure, so
14 it doesn't affect the fiscal plan for this
15 year. And then there is three years of
16 gradually phasing that down to 2 percent, and
17 then switching over in 1998, or following 1998,
18 to a net income tax.

19 I might add that the gross
20 receipts tax, even though it's not separately
21 itemized on the utility bill specifically
22 because of law, it is a direct pass-through and
23 paid by the consumers, and this legislation is

1 all part of our effort to help with the economy
2 in the State of New York, because the reduction
3 of the gross receipts tax is a way to provide
4 some discernable relief in everyone's gas and
5 electric and telephone bills.

6 ACTING PRESIDENT KUHL: Senator
7 Leichter.

8 SENATOR GOLD: Will Senator yield
9 to one question?

10 SENATOR SEWARD: Yes.

11 ACTING PRESIDENT KUHL: Senator
12 Seward yields.

13 SENATOR GOLD: Senator, in my
14 notes, I have a memorandum of support by the
15 Energy Association and by the Business Council
16 and by Con Ed. I don't have anything listed in
17 opposition.

18 But I just have one question. If
19 we pass this, first of all, is it passing in the
20 other house; and, secondly, would this affect
21 the State's financial plan?

22 SENATOR SEWARD: The second part
23 of your question in terms of affecting the

1 financial plan, it is specifically written so
2 that it would not affect the fiscal plan for
3 this year, because of the -- we just hold
4 everything harmless, and so it wouldn't affect.
5 In future years, obviously, we will see some tax
6 revenue loss because of this, but that can be
7 dealt with in future years. It is not affecting
8 what's in place now.

9 In terms of the other house, this
10 specific bill does not have an Assembly sponsor;
11 however, my counterpart in the other house,
12 Assemblyman Tonko, has a similar bill.
13 Assemblyman Vann has a bill that would phase out
14 the GRT on telephone companies. There's a lot
15 of activity. I know the Governor is even
16 talking that way.

17 My hope is that by the passage of
18 this bill today, that it will be part of the
19 process of bringing all this together. There is
20 a lot of interest on the part of a lot of
21 people, and I hope you would join me in
22 supporting this bill to help spur those
23 discussions to bring this issue to a head for

1 the benefit of everyone.

2 ACTING PRESIDENT KUHL: The
3 Secretary will read the last section.

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 55.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1344, by Senator Saland, Senate Bill Number
14 8440, an act to amend the Family Court Act.

15 SENATOR GOLD: Wasn't that
16 starred already?

17 SENATOR PRESENT: On behalf of
18 Senator Lack, star the bill.

19 ACTING PRESIDENT KUHL: Sponsor
20 star will be placed on Calendar Number 1344.

21 THE SECRETARY: Calendar Number
22 1365, by Senator Lack, Senate Bill Number 7024,
23 an act to amend the Labor Law.

1 SENATOR GOLD: Explanation.

2 ACTING PRESIDENT KUHL: Senator
3 Lack, an explanation has been asked on 1365 by
4 Senator Gold.

5 SENATOR LACK: Thank you.

6 Mr. President, Senator Gold, this
7 is an amendment to the legal activities bill.
8 In the bill, we've corrected a section placed
9 unintentionally in the law, which provided that
10 the remedy of public employees for legal
11 activities would not be within -- would not only
12 be the Taylor Law, Article 14 of the Civil
13 Service Law, but also under the legal activities
14 section of 201 (d) of the Labor Law. That was
15 not intended.

16 This is an agreement I made with
17 the administration and the Public Employees -
18 Employee Relations Board to add this provision
19 back in, which would maintain the exclusivity of
20 the Taylor Law. I note the opposition memo of
21 the AFL-CIO. They've made a mistake. The
22 example they use in their memo, a teacher who
23 would be covered under the Taylor Law goes to

1 work in the summer for a hotel chain that
2 opposes unions, namely the Marriott chain,
3 because that's -- excuse me, Senator Tully, I'm
4 talking to Senator Gold -- the Marriott chain,
5 and is dismissed by Marriott because they're a
6 teacher engaged in union activities. That's a
7 mistake in the AFL's memo.

8 Since the hotel chain is not a
9 public employer, it's not covered under Article
10 14 of the Civil Service Law, and their example
11 it would be covered under the section 201 (d) of
12 the Labor Law, the legal activities statute,
13 which is what's intended.

14 What is not intended by legal
15 activities is a public employee with public
16 employer. That's still covered by the Taylor
17 Law, and that's all this bill would do.

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

20 ACTING PRESIDENT KUHL: Senator
21 Lack yield?

22 SENATOR LACK: Yes, sir.

23 ACTING PRESIDENT KUHL: Senator

1 Lack yields.

2 SENATOR GOLD: Senator, when
3 we're dealing with the AFL-CIO, we're dealing
4 with people who are active in their lobbying and
5 rather sophisticated. If there's a mistake in
6 their memo, they make one comment in here: The
7 bill was available for amendment during its
8 original passage and nothing has happened.

9 Senator, why not deal with them
10 and have them either withdraw their memo because
11 it's incorrect or have them correct it and then
12 it would clear the air for a lot of people, but
13 right now, I -- I don't know whether this is a
14 two-house bill at this point. I don't think it
15 is, is it, Senator?

16 SENATOR LACK: Well, sure, it's a
17 two-house bill.

18 SENATOR GOLD: It is?

19 SENATOR LACK: It's in the Labor
20 Committee in the Assembly. This is originally
21 requested as part of -- when this was found out,
22 Senator, you remember when we were passing the
23 legal activities bill, it was too late to make

1 any changes. We said that we'd do it. We said
2 we'd do it afterwards, and we agreed with PERB
3 to do it afterwards but, as you well know, you
4 don't need AFL to change their memo. You can
5 take it as a matter that the Public Employee
6 Relations Board can only deal with matters
7 affecting public employment, that that's all
8 they do, and obviously a hotel chain isn't, to
9 use the AFL's example a hotel chain, isn't
10 public employment; so there is no way the type
11 of example they use could be covered by PERB.
12 Very simple.

13 SENATOR GOLD: Well, Mr.
14 President, on the bill.

15 I just wanted to make note -

16 ACTING PRESIDENT KUHL: Senator
17 Gold on the bill.

18 SENATOR GOLD: The memo is here
19 and it has not been withdrawn as far as I'm
20 concerned.

21 ACTING PRESIDENT KUHL: Secretary
22 will read the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT KUHL: Announce
6 the results when tabulated.

7 THE SECRETARY: Those recorded in
8 the negative on Calendar 1365 are Senators
9 Connor, Espada, Gold, Jones, Leichter,
10 Markowitz, Nanula, Ohrenstein, Onorato,
11 Oppenheimer, Solomon and Stachowski. Ayes 43,
12 nays 12.

13 ACTING PRESIDENT KUHL: The bill
14 is passed.

15 Senator Solomon.

16 SENATOR SOLOMON: Yes, Mr.
17 President.

18 I'd like to have unanimous
19 consent to be recorded in the negative on
20 Calendar Number 1290.

21 ACTING PRESIDENT KUHL: Without
22 objection, Senator Solomon will be recorded in
23 the negative on Calendar Number 1290.

1 THE SECRETARY: Calendar Number
2 1374, by Senator Present.

3 SENATOR PRESENT: Lay it aside.

4 ACTING PRESIDENT KUHL: Lay the
5 bill aside.

6 THE SECRETARY: Calendar Number
7 1376, by Senator Daly, Senate Bill Number 8398,
8 an act to amend the Vehicle and Traffic Law.

9 ACTING PRESIDENT KUHL: Secretary
10 will read the last section.

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

13 ACTING PRESIDENT KUHL: Senator
14 Jones.

15 SENATOR JONES: Yes. Would the
16 sponsor yield to a question, please?

17 ACTING PRESIDENT KUHL: Senator
18 Daly, Senator Jones has asked you to yield to a
19 question on Calendar 1376.

20 SENATOR DALY: Certainly, Mr.
21 President. Let me just -

22 ACTING PRESIDENT KUHL: Senator
23 Daly yields.

1 SENATOR JONES: Yes, Senator.
2 When this came up in committee, what my concern
3 was, I guess, was minors who also rent limo's to
4 go to proms, and et cetera, and I guess it
5 wasn't clear to me, let's say they brought
6 alcoholic beverages to this limo. What then is
7 the light -- is this bill saying then no one is
8 liable if they're drinking under age?

9 SENATOR DALY: Well, this bill,
10 whether this bill was in effect or not, that
11 would be illegal. If this bill becomes law, it
12 is still illegal because minors cannot drink;
13 it's against the law.

14 SENATOR JONES: I agree.

15 SENATOR DALY: So this bill would
16 have no impact on that present statute that
17 presently exists.

18 SENATOR JONES: Would the Senator
19 yield to another question?

20 ACTING PRESIDENT KUHL: Senator
21 Daly yield to another question? Senator
22 yields.

23 SENATOR JONES: Then perhaps you

1 can clarify me -- clarify for me what exactly
2 this would do that it doesn't do now.

3 SENATOR DALY: Well, Senator, you
4 said you were concerned about minors as it is
5 now. The present law says they can't drink.

6 SENATOR JONES: Yes.

7 SENATOR DALY: This law would
8 also preclude them because it does not eliminate
9 -- I'm trying to think of the legal term, the
10 existing statute which says teenagers cannot
11 drink. They can not drink in limousines even if
12 this bill becomes law; it's against the law.

13 SENATOR JONES: Could I ask one
14 more question, please?

15 ACTING PRESIDENT KUHL: Senator
16 Daly continue to yield? Senator yields.

17 SENATOR JONES: My question then,
18 is it the person driving the limo', is it his
19 role to enforce it? In other words, if they get
20 into his limo' with alcohol, is it his job to
21 enforce it?

22 SENATOR DALY: He would have the
23 same responsibility, for example, as a bus

1 driver would have. As you know, under existing
2 law, you can have alcohol in the bus and the bus
3 driver, the limousine operator, would have the
4 same responsibility, I think, that a bus driver
5 has.

6 This law is not intended to
7 change any other existing statute, or would not
8 impact.

9 SENATOR JONES: O.K. Thank you,
10 Senator.

11 SENATOR DALY: You're welcome.

12 ACTING PRESIDENT KUHL: Secretary
13 will read the last section.

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 55.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1382, by Senator Daly, Senate Bill Number 8684,

1 authorize the sale or lease of real property at
2 the Rochester Psychiatric Center.

3 ACTING PRESIDENT KUHL: Secretary
4 -- Senator Dollinger, you laid this bill
5 aside. Did you have a question of Senator Daly
6 on Calendar Number 1382?

7 SENATOR DOLLINGER: No, Mr.
8 President. I just rise to commend a number of
9 people, including Senator Daly, who have worked
10 on this project. I know Senator Jones and
11 myself, my colleagues in the Senate, in the
12 Assembly, Assemblyman Gantt, who is the Assembly
13 sponsor, Assemblyman Morelle, Assemblyman John,
14 all worked together on this project to try to
15 make this happen.

16 I think this is a good bill. I
17 simply rise to commend Senator Daly for his
18 leadership, and my hope is that my colleagues
19 will pass this bill. This is an important step
20 for a vital agency in the community of Rochester
21 that I represent, and I commend all those
22 involved for their work on this noble project.

23 ACTING PRESIDENT KUHL: Senator

1 Gold.

2 SENATOR GOLD: Yeah, Mr.

3 President.

4 I want to thank Senator Jones
5 particularly, and Senator Dollinger. I really
6 didn't understand this bill until they explained
7 it to me and, based upon their comments, I'm
8 going to support the bill.

9 ACTING PRESIDENT KUHL: The
10 Secretary will read the last section.

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 55.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 SENATOR SOLOMON: Mr. President.

20 ACTING PRESIDENT KUHL: Senator
21 Solomon.

22 SENATOR SOLOMON: Yes, Mr.
23 President, I'd like to have unanimous consent to

1 be recorded in the negative on Calendar Number
2 1106.

3 ACTING PRESIDENT KUHL: Without
4 objection, Senator Solomon will be recorded in
5 the negative on Calendar Number 1106. Secretary
6 will continue to call the controversial
7 calendar.

8 THE SECRETARY: Calendar Number
9 1383, by Senator Saland, Senate Bill Number
10 8694, Environmental Conservation Law and the
11 State Finance Law.

12 ACTING PRESIDENT KUHL: Secretary
13 will read the last section.

14 THE SECRETARY: Section 2 -

15 SENATOR GOLD: What Calendar
16 Number is this?

17 ACTING PRESIDENT KUHL: This is
18 Calendar Number 1383 that has been called.

19 SENATOR DOLLINGER: Thank you.

20 ACTING PRESIDENT KUHL: Secretary
21 will read the last section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.
3 (The Secretary called the roll.)
4 THE SECRETARY: Ayes 55.
5 ACTING PRESIDENT KUHL: The bill
6 is passed.
7 THE SECRETARY: Calendar Number
8 1386, by Senator Tully.
9 SENATOR PRESENT: Lay the bill
10 aside.
11 ACTING PRESIDENT KUHL: Lay the
12 bill aside.
13 SENATOR PRESENT: Temporarily.
14 ACTING PRESIDENT KUHL:
15 Temporarily.
16 THE SECRETARY: Calendar Number
17 1387, by Senator Holland.
18 SENATOR GOLD: Explanation.
19 THE SECRETARY: Senate Bill 737,
20 an act to amend the Social Services Law.
21 SENATOR GOLD: Explanation.
22 SENATOR PRESENT: Lay it aside
23 temporarily.

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

3 THE SECRETARY: Calendar Number
4 1393, by Senator Holland, Senate Bill Number
5 6970-A, relation to creating the local cost
6 containment incentive program.

7 SENATOR GOLD: Explanation.

8 SENATOR PRESENT: Lay it aside
9 temporarily.

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

12 THE SECRETARY: Calendar Number
13 1399, substituted earlier today, by the Assembly
14 Committee on Rules, Assembly Bill Number 11660,
15 Surrogate's Court Procedure Act.

16 SENATOR GOLD: Last section.

17 ACTING PRESIDENT KUHL: Secretary
18 will read the last section.

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

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 55.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1403, by Senator Velella, Senate Bill Number
6 8538, Administrative Code of the city of New
7 York.

8 ACTING PRESIDENT KUHL: There's
9 no home rule at the desk, Senator Present.
10 We'll have to lay the bill aside.

11 THE SECRETARY: Calendar Number
12 1408, by Senator Padavan, Senate Bill Number
13 8624, an act to amend the General Municipal
14 Law.

15 SENATOR PRESENT: Lay it aside
16 temporarily.

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

19 THE SECRETARY: Calendar Number
20 1409, by Senator Volker, Senate Bill Number
21 8630, an act to amend the Penal Law.

22 SENATOR GOLD: Explanation.

23 SENATOR PRESENT: Lay it aside

1 temporarily.

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

4 THE SECRETARY: Calendar Number
5 1413, by Senator Maltese, Senate Bill Number
6 8681, an act to amend the Correction Law.

7 SENATOR GOLD: Explanation.

8 SENATOR PRESENT: Lay it aside
9 temporarily.

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

12 THE SECRETARY: Calendar Number
13 1420, by Senator Bruno, Senate Bill Number
14 7494-B, an act to amend the Economic Development
15 Law.

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

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

20 THE SECRETARY: Calendar Number
21 1424, by Senator Kuhl, Senate Bill Number 7588,
22 an act to amend the Workers' Compensation Law.

23 SENATOR GOLD: Which number?

1 ACTING PRESIDENT KUHL: Calendar
2 Number 1424 has been called.

3 Senator Dollinger.

4 SENATOR DOLLINGER: Mr.
5 President, I just have one question on this bill
6 about what happens if they don't have Workers'
7 Compensation; can they sue directly? I know that
8 the sponsor is in the Chair, and I -

9 ACTING PRESIDENT KUHL: No
10 longer.

11 ACTING PRESIDENT DALY: Senator
12 Dollinger.

13 SENATOR DOLLINGER: Thank you,
14 Mr. President.

15 I have just one question for the
16 sponsor, and that is, if you don't provide
17 Workers' Compensation coverage and someone gets
18 hurt on a farm, and I know that farms are an
19 area of significant risk of injury, does the
20 injured person have a right to sue the farmer
21 directly, and isn't that more damaging
22 potentially to the farmer than to provide
23 Workers' Comp. or do I misunderstand the nature

1 of the bill?

2 And again, I thank the sponsor
3 for coming down out of the Chair to answer this
4 question.

5 SENATOR KUHL: Happy to do that,
6 Senator Dollinger.

7 My understanding would be
8 certainly if there were not Workmen's
9 Compensation, Workers' Compensation, then in
10 fact an individual would not be hung up with the
11 immunity that they would from suing and, in fact
12 -- or being sued and, in fact, they would be
13 able to do that.

14 This exemption initially was
15 provided for farmers where the idea that there
16 are a lot of part-time summer help, kids from
17 school, children of the farmers themselves, and
18 what has happened is over the years with the
19 raising of the minimum wage, we've now taken
20 those people out of that part-time position and
21 as far as Workmen's or Workers' Compensation
22 relief goes or exemption goes, and we've put
23 that in a position now where the farmer is made

1 to make that choice, whether they include them
2 with all those benefits and have to pay for that
3 or whether they don't provide the job to them,
4 and the latter has happened.

5 So what we're trying to do, by
6 this updating, increasing the amount of the
7 exemption, is to bring the statute current with
8 today's wages and bring it -- actually it's been
9 30 years almost since this exemption was set, so
10 that's the reason for the bill.

11 SENATOR DOLLINGER: And again -
12 ACTING PRESIDENT DALY: Senator
13 Dollinger.

14 SENATOR DOLLINGER: Mr.
15 President, I'm not -- because I'm not in the
16 farm business, really don't have any experience
17 with it, I'm not a good person to perhaps raise
18 this issue, but it seems to me that the
19 part-time worker, the student who is most likely
20 because of inexperience on the job or lack of
21 facility with equipment to be injured, and my
22 question is, do you really want to open up those
23 lawsuits, the potential for those lawsuits by

1 inexperienced workers who will have the same
2 basic underlying claim against the owner and
3 operator of the farm?

4 Isn't there a risk that you'll
5 just encourage more litigation and create more
6 damage than if you provided Workers' Comp. for
7 them?

8 SENATOR KUHL: Well, I don't -
9 I can't give you an exact answer to that,
10 Senator Dollinger, but let me just put it in a
11 different perspective. This has been a request
12 that has come from the major representative of
13 the farm industry, the Farm Bureau. They've
14 said that that figure of \$1200 as an exemption
15 to paying Workmen's Compensation is really no
16 longer adequate, and they need a higher level.
17 So they have made this as one of their
18 priorities on their legislative agenda for the
19 year, and so that would indicate to me that they
20 don't feel exposed in an additional way, that
21 perhaps their general liability policy would
22 cover those lawsuits which they're already
23 paying and there wouldn't be any increased

1 premium, whereas having to include these people
2 under Workmen's Compensation coverage would
3 enlarge the premium and enlarge the cost and
4 perhaps make them less competitive with some of
5 their neighbors in some of the surrounding
6 states.

7 SENATOR DOLLINGER: O.K. I'll go
8 with the judgment of the Farm Bureau on this
9 issue, and I appreciate the sponsor's candid
10 response to my question. That was my question,
11 whether you would open the door to a potential
12 flood of lawsuits without the Worker's
13 Compensation protection, that you might be
14 creating a larger exposure that's overwhelmed by
15 the loss of limb or the kind of serious accident
16 that often happens on a farm often involving the
17 loss of limb or that kind of injury. Obviously
18 one of those verdicts could obviously make up
19 for a number of years of Worker's Compensation
20 judgments, but the farmers obviously know this
21 business better than I; so I will abide by their
22 judgment.

23 SENATOR GOLD: Last section.

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

3 ACTING PRESIDENT DALY: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 55.

7 ACTING PRESIDENT DALY: The bill
8 is passed.

9 Senator Kuhl. I'm sorry.

10 SENATOR GOLD: Mr. President.

11 ACTING PRESIDENT DALY: Senator
12 Gold.

13 SENATOR GOLD: Yeah, Mr.
14 President. I was out of the room when we voted
15 on 1419, and I'd like unanimous consent to be
16 voted in the negative.

17 ACTING PRESIDENT DALY: Senator
18 Gold in the negative on Bill Number 1419.

19 Ladies and gentlemen, may I just
20 announce that the 1993-94 Senate portrait is now
21 on display in Steve Sloan's office, Room 321,
22 and please take a few moments to look at the
23 portrait and, if you're interested, you may

1 order as soon as possible.

2 Senator Mendez, is that -- are
3 you voting -- Senator Mendez.

4 SENATOR CONNOR: Thank you, Mr.
5 President.

6 ACTING PRESIDENT DALY: Senator
7 Mendez.

8 SENATOR MENDEZ: Excuse me, Mr.
9 President.

10 ACTING PRESIDENT DALY: Senator
11 Mendez.

12 SENATOR MENDEZ: Thank you, Mr.
13 President. I was out of the chambers, and I
14 wish to be recorded in the negative in Calendar
15 Number 1424.

16 ACTING PRESIDENT DALY: Senator
17 Mendez in the negative on Calendar Number 1424.

18 Senator Connor. Excuse me,
19 Senator Mendez, would you -

20 SENATOR MENDEZ: Yes, Mr.
21 President.

22 ACTING PRESIDENT DALY: Senator
23 Mendez in the affirmative on 1290. Senator

1 Connor.

2 SENATOR CONNOR: Thank you -
3 thank you, Mr. President. May I have unanimous
4 consent to be recorded in the negative on
5 Calendar Number 1424.

6 ACTING PRESIDENT DALY: Senator
7 Connor in the negative on Calendar Number 1424.
8 Senator Espada.

9 SENATOR ESPADA: Mr. President, I
10 too ask unanimous consent to be recorded in the
11 negative on 1424.

12 ACTING PRESIDENT DALY: Senator
13 Connor, Senator Espada in the negative on
14 Calendar 1424.

15 Senator Present.

16 SENATOR PRESENT: Got it all? I
17 think we've -

18 ACTING PRESIDENT DALY: No.
19 Senator Present, the floor is yours.

20 SENATOR PRESENT: Let's take
21 Calendar Number 1393.

22 THE SECRETARY: Calendar Number
23 1393, by Senator Holland, Senate Bill Number

1 6970-A, relation to creating the local cost
2 containment incentive program.

3 SENATOR GOLD: Explanation.

4 ACTING PRESIDENT DALY:

5 Explanation requested by -

6 SENATOR GOLD: Senator yield to a
7 question?

8 ACTING PRESIDENT DALY: -

9 Senator Gold.

10 SENATOR HOLLAND: Yes, sir.

11 SENATOR GOLD: Senator, I was
12 just wondering why there were no Minority
13 appointments.

14 SENATOR HOLLAND: There are no
15 Minority appointments. Membership -- well,
16 there are -- membership on the board shall
17 consist of the Commissioner of the Department of
18 Social Services. He's Minority.

19 SENATOR GOLD: I mean the
20 Minority Leader of each house, Senator.

21 SENATOR HOLLAND: Oh. We gave
22 two appointments to the Majority in the Senate
23 and in the Assembly under this bill, so there

1 are Democrats, but they come out of the
2 Assembly.

3 SENATOR GOLD: Senator, I didn't
4 ask you whether you were appointing Senate
5 Democrats or Republicans. I asked why the
6 Minority Leader of the Assembly, distinguished
7 graduate of Cornell University, was not given an
8 appointment, nor is the Minority Leader in this
9 house who, although he does not have the
10 advantage of a Cornell education, is still very
11 bright and articulate and concerned.

12 SENATOR HOLLAND: It wasn't done
13 in the bill, Senator, as you can see. It was
14 done with the Majority of both houses.

15 SENATOR GOLD: Last section.

16 ACTING PRESIDENT DALY: Last
17 section.

18 SENATOR GOLD: Slow roll call.

19 ACTING PRESIDENT DALY: Slow roll
20 call. Five members standing. Slow roll call.

21 THE SECRETARY: Section 4. This
22 act shall take effect immediately.

23 ACTING PRESIDENT DALY: Call the

1 roll, Clerk.

2 SENATOR PRESENT: Lay the bill
3 aside.

4 ACTING PRESIDENT DALY: Lay the
5 bill aside.

6 Senator Stachowski.

7 SENATOR STACHOWSKI: Mr.
8 President, can I have unanimous consent to be
9 recorded in the negative on Calendar 1106,
10 please?

11 ACTING PRESIDENT DALY: Senator
12 Stachowski in the negative on Calendar Number
13 1106.

14 THE SECRETARY: Calendar Number
15 1409, by Senator Volker, Senate Bill Number
16 8630, an act to amend the Penal Law.

17 SENATOR GOLD: Explanation.

18 ACTING PRESIDENT DALY:
19 Explanation requested.

20 Senator Maltese.

21 SENATOR MALTESE: Mr. President,
22 this is an act to amend the Penal Law in
23 relation to the theft of telecommunications

1 services and related frauds. Together with
2 great strides in telecommunications have come
3 the -- with -- have come thieves and scam
4 artists who seek to take advantage of new
5 technologies to commit scams and defraud persons
6 of fees, telephone fees, and deprive persons of
7 their credit card numbers.

8 With the use of cellular phones,
9 it has become possible by advanced methods to
10 obtain credit card numbers and to use those
11 credit card numbers and sell them and use them
12 for nefarious purposes.

13 What this bill seeks to do is
14 amend the present Penal Law to cover these new
15 methods of scamming and stealing and defrauding
16 persons who use telephone and cellular telephone
17 and communications devices. Among the -- among
18 the advances, if you will, as far as theft of
19 services is concerned has been the ability of
20 scam artists to access credit card numbers from
21 cellular telephones and then immediately put
22 them on the open market, make them accessible to
23 people all over the country and perhaps all over

1 the world almost instantaneously, and defraud
2 the communications companies out of millions and
3 millions of dollars which then inures to the
4 detriment of legitimate users and increases the
5 cost of consumers and the telecommunications
6 companies.

7 This specific bill includes the
8 knowingly obtaining of telecommunications
9 service with fraudulent intent by use of an
10 unauthorized false or fictitious name,
11 identification, telephone number or access
12 device. This seeks to make unlawful the calling
13 of persons by scam artists and encouraging them
14 to either disclose a secret credit card number,
15 telephone credit card numbers, or accept the
16 cost of third-party calls or calls to their
17 number.

18 In addition, it increases the
19 penalties from the present crime, theft of
20 services as a misdemeanor, it increases the
21 penalty to a class E felony for additional -- if
22 a person has been previously convicted of a
23 telecommunications fraud or if a -- let's see,

1 or if the value is over a thousand dollars.

2 ACTING PRESIDENT DALY: Last
3 section.

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

6 ACTING PRESIDENT DALY: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 55, nays
10 one, Senator Leichter recorded in the negative.

11 ACTING PRESIDENT DALY: The bill
12 is passed.

13 Senator Goodman.

14 SENATOR GOODMAN: Mr. President,
15 may I please be recorded in the negative on
16 Calendar 868 and Calendar 1106.

17 ACTING PRESIDENT DALY: Senator
18 Goodman in the negative on Calendar 868 and
19 1101.

20 SENATOR GOODMAN: 1106.

21 ACTING PRESIDENT DALY: Senator
22 Present? Senator Hoffmann.

23 SENATOR HOFFMANN: Could I please

1 be recorded in the negative on Calendar Number
2 1365.

3 ACTING PRESIDENT DALY: Senator
4 Hoffmann in the negative on Calendar 1365.

5 Senator Present.

6 SENATOR PRESENT: Mr. President,
7 could we please take up Calendar Number 1413.

8 THE SECRETARY: Calendar Number
9 1413, by Senator Maltese, Senate Bill Number
10 8681, an act to amend the Correction Law.

11 ACTING PRESIDENT DALY: Senator
12 Dollinger.

13 SENATOR DOLLINGER: Will the
14 Senator yield for a question, Mr. President?

15 ACTING PRESIDENT DALY: Senator
16 Maltese, will you please yield for a question?

17 SENATOR DOLLINGER: Who -
18 through you, Mr. President, who pays for the
19 cost to the correction officer in these
20 situations?

21 SENATOR MALTESE: Excuse me, Mr.
22 President. I didn't hear Senator Dollinger.

23 ACTING PRESIDENT DALY: Senator

1 Dollinger, would you repeat the question,
2 please.

3 SENATOR DOLLINGER: As I
4 understand it -- through you, Mr. President -
5 this would presently permit the correction
6 officer to be accompanied by counsel, a right
7 which they presently don't have; is that
8 correct?

9 SENATOR MALTESE: That's
10 correct. The bill previously passed both houses
11 and was vetoed by the Governor, and this was a
12 compromise worked out by DCJS and the
13 Commissioner of Correction.

14 SENATOR DOLLINGER: Through you,
15 Mr. President.

16 ACTING PRESIDENT DALY: Senator
17 Dollinger.

18 SENATOR DOLLINGER: What's the
19 nature of the compromise that was worked out,
20 Mr. President, just so I understand it, as I
21 assume we passed a bill that was roughly
22 comparable last time around?

23 SENATOR MALTESE: This bill was

1 vetoed by the Governor as overbroad and they
2 felt that it could have unintended
3 consequences. This would only apply to
4 correction officers being examined under oath by
5 the state Commission of Correction and not in
6 any other case.

7 SENATOR DOLLINGER: O.K. And just
8 so, again, I understand it.

9 ACTING PRESIDENT DALY: Senator
10 Dollinger.

11 SENATOR DOLLINGER: How, through
12 you, Mr. President, if Senator Maltese will
13 continue to yield.

14 Who picks up the cost of the
15 officer's securing counsel? Is that picked up
16 by the state or picked up by the officer?

17 SENATOR MALTESE: Mr. President,
18 it's my understanding, which I could end up
19 supplying that information to Senator Dollinger,
20 but it is my understanding that these counsels
21 would be supplied by the correction officers
22 union themselves and would not be picked up by
23 the state of New York.

1 SENATOR DOLLINGER: O.K. It would
2 be pursuant to union agreement, union contract,
3 as to whether the union were able to secure
4 reimbursement for attorneys' expenses as part of
5 that; would that be a fair assessment?

6 SENATOR MALTESE: Mr. President,
7 it would be covered not only under union
8 contract but by agreement between the officer
9 represented and the union itself.

10 SENATOR DOLLINGER: Thank you,
11 Senator.

12 ACTING PRESIDENT DALY: Last
13 section.

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

16 ACTING PRESIDENT DALY: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 56.

20 ACTING PRESIDENT DALY: The bill
21 is passed.

22 SENATOR PRESENT: Regular order.

23 THE SECRETARY: Calendar Number

1 1427, by Senator Pataki, Senate Bill Number
2 7807, an act to amend the Criminal Procedure
3 Law.

4 SENATOR GOLD: Explanation.

5 ACTING PRESIDENT DALY:

6 Explanation requested.

7 SENATOR PRESENT: Lay aside
8 temporarily.

9 ACTING PRESIDENT DALY: Lay the
10 bill aside.

11 THE SECRETARY: Calendar Number
12 1428, by Senator Pataki, Senate Bill Number
13 7808, an act to amend the Criminal Procedure
14 Law.

15 SENATOR GOLD: Yeah,
16 explanation.

17 SENATOR PRESENT: Lay it aside
18 temporarily.

19 ACTING PRESIDENT DALY: Bill is
20 laid aside.

21 THE SECRETARY: Calendar Number
22 1429, by Senator Saland, Senate Bill Number
23 7910, authorizing the Commissioner of General

1 Services to sell certain land in the city of
2 Beacon.

3 ACTING PRESIDENT DALY: Last
4 section. There is a home rule message at the
5 desk. Last section.

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

8 ACTING PRESIDENT DALY: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 56.

12 ACTING PRESIDENT DALY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1431, by Senator Pataki, Senate Bill Number
16 8390, in relation to authorizing the conveyance
17 of certain property.

18 ACTING PRESIDENT DALY: There's a
19 home rule message at the desk. Last section.

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

22 ACTING PRESIDENT DALY: Call the
23 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 56.

3 ACTING PRESIDENT DALY: The bill
4 is passed.

5 SENATOR CONNOR: Mr. President.

6 ACTING PRESIDENT DALY: Senator
7 Connor.

8 SENATOR CONNOR: Thank you, Mr.
9 President.

10 May I have unanimous consent to
11 be recorded in the negative on Calendar Number
12 1106?

13 ACTING PRESIDENT DALY: Senator
14 Connor in the negative on 1106.

15 Senator Hoffmann.

16 SENATOR HOFFMANN: I would ask
17 unanimous consent to be recorded on 1106 also,
18 Mr. President.

19 ACTING PRESIDENT DALY: Senator
20 Hoffmann also in the negative on Calendar Number
21 1106.

22 We have some substitutions.

23 THE SECRETARY: On page 6 of

1 today's calendar, Senator Stafford moves to
2 discharge the Committee on Rules from Assembly
3 Bill Number 9005-B and substitute it for the
4 identical Third Reading 224.

5 On page 23, Senator Goodman moves
6 to discharge the Committee on Rules from
7 Assembly Bill Number 11668-C and substitute it
8 for the identical Calendar Number 970.

9 On page 40, Senator Nanula moves
10 to discharge the Committee on Rules from
11 Assembly Bill Number 11994, and substitute it
12 for the identical Third Reading 1437.

13 ACTING PRESIDENT DALY:
14 Substitutions are ordered.

15 SENATOR LACK: Mr. President.

16 ACTING PRESIDENT DALY: Senator
17 Lack.

18 SENATOR LACK: Mr. President, on
19 behalf of Senator Larkin, I wish to call up his
20 bill, Print Number 7318, recalled from the
21 Assembly and now at the desk.

22 ACTING PRESIDENT DALY: Secretary
23 will read.

1 THE SECRETARY: By Senator
2 Larkin, Senate Bill Number 7318, an act to amend
3 the Real Property Tax Law.

4 SENATOR LACK: I move to
5 reconsider the vote by which this bill was en
6 acted.

7 ACTING PRESIDENT DALY: Call the
8 roll on reconsideration.

9 (The Secretary called the roll on
10 reconsideration.)

11 THE SECRETARY: Ayes 56.

12 ACTING PRESIDENT DALY: The bill
13 is now before the house.

14 SENATOR LACK: Mr. President, I
15 offer, on behalf of Senator Larkin, the
16 following amendments to the bill.

17 ACTING PRESIDENT DALY:
18 Amendments received.

19 Senator Mendez.

20 SENATOR MENDEZ: Mr. President, I
21 wish to be reported in the negative on bill -
22 on Calendar Number 1365.

23 ACTING PRESIDENT DALY: Senator

1 Mendez in the negative on Calendar Number 1365.

2 SENATOR MENDEZ: Thank you.

3 ACTING PRESIDENT DALY: You're
4 welcome.

5 Senator Montgomery.

6 SENATOR MONTGOMERY: Yes, Mr.
7 President. I would like unanimous consent to be
8 recorded in the negative on Calendar 1365.

9 ACTING PRESIDENT DALY: Senator
10 Montgomery in the negative on Calendar Number
11 1365.

12 Senator Kuhl.

13 SENATOR KUHL: Yes. Would you
14 take up Calendar Number 1393, Senator Holland's
15 bill, please.

16 THE SECRETARY: Calendar Number
17 1393, by Senator Holland, Senate Bill Number
18 6970-A, an act in relation to creating the local
19 cost containment incentive program.

20 ACTING PRESIDENT DALY: Read the
21 last section.

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

1 ACTING PRESIDENT DALY: Call the
2 roll.
3 (The Secretary called the roll.)
4 ACTING PRESIDENT DALY: Senator
5 Gold.
6 SENATOR GOLD: Slow roll call.
7 ACTING PRESIDENT DALY: Senator
8 Gold.
9 SENATOR GOLD: Slow roll call.
10 ACTING PRESIDENT DALY: Slow roll
11 call. Would the Sergeant-at-Arms notify the
12 members that there's a slow roll call on the
13 floor and ask them to please come into the
14 house.
15 THE SECRETARY: Senator Babbush.
16 (There was no response.)
17 Senator Bruno.
18 (There was no response.)
19 Senator Connor.
20 SENATOR CONNOR: Yes.
21 ACTING PRESIDENT DALY: Senator
22 Connor.
23 SENATOR CONNOR: To explain my

1 vote, Mr. President.

2 You know, I guess this bill, I
3 think we'll hear from Senator Holland, Gee,
4 there's no time to amend it because we're
5 getting out of here but, you know, we had a bill
6 earlier in the session that had a similar
7 oversight and the sponsor quite graciously
8 amended it to allow for appointments by the two
9 minority leaders.

10 There's no reason on something
11 like this to so construct it that -- that
12 minority political voices are stilled. Nobody's
13 saying give control to the two minority lead
14 ers. They're just saying give proper respect
15 and proper recognition and an opportunity for
16 information and input to the two minority
17 leaders. We've done this on myriad commissions,
18 task forces, special select bodies, and so on,
19 and therefore, under the circumstances, without
20 even getting into the merits at hand, I vote
21 no.

22 ACTING PRESIDENT DALY: Senator
23 Connor in the negative. Continue the roll.

1 THE SECRETARY: Senator Cook.

2 SENATOR COOK: Yes.

3 THE SECRETARY: Senator Daly.

4 SENATOR DALY: Yes.

5 THE SECRETARY: Senator

6 DeFrancisco.

7 (There was no response.)

8 Senator DiCarlo.

9 (There was no response.)

10 Senator Dollinger.

11 SENATOR DOLLINGER: Mr.

12 President, to explain my vote.

13 ACTING PRESIDENT DALY: Senator

14 Dollinger to explain his vote.

15 SENATOR DOLLINGER: Mr. President

16 I join my colleagues in the concern about the
17 appointment by a member of the minority in this
18 cost containment group. I think there are good
19 ideas that can come from this side of the aisle
20 and it's certainly through our appointments.

21 However, I'll be voting in favor
22 of this bill as I think there are certain other
23 aspects of it that merit my affirmative vote,

1 but I join my colleagues in the protest.

2 ACTING PRESIDENT DALY: Senator
3 Dollinger in the affirmative. Could we have
4 some order in the house, please.

5 THE SECRETARY: Senator Espada.

6 SENATOR ESPADA: No.

7 THE SECRETARY: No.

8 Senator Farley.

9 SENATOR FARLEY: Aye.

10 THE SECRETARY: Senator Galiber.

11 SENATOR GALIBER: No.

12 THE SECRETARY: Senator Gold.

13 SENATOR GOLD: Thank you, Mr.

14 President.

15 Mr. President, every time it
16 seems like we're making some strides, we have to
17 go backwards, and I don't know why that has to
18 happen. Senator Holland, yesterday we had some
19 philosophical disagreements on issues, and I
20 think that that's something we're all prepared
21 for.

22 This is not a philosophical
23 issue. Whether or not this body likes it, 26

1 out of its 61 members happen to have different
2 political ideas, and that is a substantial
3 number. The other house the numbers are a
4 little bit greater in terms of one or the other,
5 but let's face it, when we're talking about par
6 ticipation in situations such as this, when
7 we're talking about exchanging information, it
8 is so little on the scale of what human conduct
9 ought to be to other people that it belittles
10 the entire chamber when we do it, and we
11 shouldn't do it. We shouldn't do it.

12 Now, there's a lot of ways of
13 protesting it, and you know, we are trying not
14 to get into those situations, but believe me, we
15 are getting to a point when the system itself is
16 going to have to change. I mean some of the
17 things that go on here do not help people. They
18 don't help the legislative process. They don't
19 move things along. They are not up to what the
20 dignity of this chamber ought to be, and there's
21 no excuse for this one.

22 We had a bill the other day. We
23 laid it aside a couple times. The sponsor

1 agreed to an amendment. We did the amendment
2 and then we were off and running. This is a
3 bill that could be amended very simply, Senator
4 Holland. We're in the closing days and, believe
5 me, the messages of necessity will start flying
6 like they always do and, if there's agreement on
7 this bill in principle of what it does, the
8 changing of the references to make sure that 26
9 members presently on this side have a voice will
10 not hold up the process.

11 So I'm encouraging everybody to
12 say no. I hope that's what we will do. I know
13 that some colleagues get very, very concerned.
14 They say, Well, there are merits to this. A
15 bill is not an idea. It's a specific piece of
16 paper that sets forth that idea and tells how it
17 will be administered. So while somebody can say
18 that the bill has a good idea, if it's not
19 administered properly, then something's wrong
20 with that bill.

21 I am not voting against your idea
22 at this point, Senator Holland. I am voting
23 against this bill.

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I vote no.

ACTING PRESIDENT FARLEY: Senator
Gold in the negative. Continue the roll call.

THE SECRETARY: Senator
Gonzalez.

(There was no response.)

Senator Goodman.

SENATOR GOODMAN: Yes.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator
Hoffmann.

SENATOR HOFFMANN: Explain my
vote.

ACTING PRESIDENT FARLEY: Senator
Hoffmann to explain her vote.

SENATOR HOFFMANN: This is
another classic illustration of the end of
session crunch putting people between the devil
and the deep blue sea.

For members on this side of the
aisle who have been once again summarily closed
out of the process, a vote in opposition to the

1 measure can be characterized later as a vote
2 against cost containment, of abuse, and who
3 would want to be put in that position.

4 The short descriptions given to
5 something like this in the newspaper don't go
6 into a lot of substance, certainly do not afford
7 us the opportunity to explain to the taxpayers
8 of this state the abuse of power that takes
9 place day in and day out in this chamber.

10 I understand everything that
11 Senator Gold said, and I agree with him right up
12 to the point of voting against it. I think that
13 it's essential to send a message that we do
14 support the message of cost containment in
15 social service entitlement programs. So I'm
16 prepared to vote for the bill, but I want to
17 make sure that it's clear to the people in the
18 48th Senate District that I do not like the way
19 that this particular bill has been produced in
20 this chamber. It is another example of the
21 secrecy and the closed door type of negotiation
22 that Albany has become all too well known for.

23 ACTING PRESIDENT FARLEY: Senator

1 Hoffmann in the affirmative. Continue the
2 roll.

3 THE SECRETARY: Senator Holland.

4 SENATOR HOLLAND: Explain my
5 vote.

6 ACTING PRESIDENT FARLEY: Senator
7 Holland to explain his vote.

8 SENATOR HOLLAND: I guess no one
9 opposes the bill. It simply is a cost control/
10 cost containment bill, encourages the individual
11 departments of social services to offer
12 innovative cost containment programs. It does
13 set up a board and, if that is the problem, let
14 me just tell you who the members of the board
15 are.

16 Members of the board are
17 Commissioner of Social Services; he's a
18 Democrat; the Commissioner of Health, he's a
19 Democrat; the Attorney General, he's a Democrat;
20 Commissioner of Mental Retardation, he's a
21 Democrat; the Commissioner of Mental Health is a
22 Democrat, Comptroller, he's a Democrat and two
23 representatives of the Speaker of the Assembly,

1 they're Democrats I presume, and two
2 appointments of the Senate. So eight Democrats,
3 two Republicans.

4 You definitely are represented on
5 the board, and the idea is good. I suggest that
6 you approve cost containment, want to control
7 the cost of welfare and working from the bottom
8 up through the Department of Social Services,
9 individual departments of social services for
10 innovative ideas, and this board is a good idea
11 and I vote yes.

12 ACTING PRESIDENT FARLEY: Senator
13 Holland in the affirmative. Continue the roll.

14 If I may, there's an awful lot of
15 talk in the back of the chamber. If you could
16 kind of hold it down, take those conversations
17 outside the chamber.

18 Continue the roll call.

19 THE SECRETARY: Senator Johnson.

20 SENATOR JOHNSON: Aye.

21 THE SECRETARY: Senator Jones.

22 SENATOR JONES: Explain my vote.

23 ACTING PRESIDENT FARLEY: Senator

1 Jones to explain her vote.

2 SENATOR JONES: I guess I would
3 like to say just ditto to almost everything
4 Senator Hoffmann said. She's absolutely right.
5 I think it's very petty that we get down to even
6 have to worry about Democrat or Republican.
7 That isn't the point. The point is that a group
8 is disenfranchised, a group of people who have
9 good ideas who would like to talk about them and
10 would just like the opportunity to have them out
11 on the floor as a point of discussion.

12 I personally had a bill that
13 contained many of these things in it but because
14 my name is on it, that precludes that it's even
15 worthy of discussion. So the point to me it's
16 just another petty point, and Senator Hoffmann
17 expressed it perfectly.

18 I will vote yes on it because I
19 certainly support cost containment and would
20 like to see anything happen along that line, but
21 I'm sorry that it always gets down to this
22 pettiness that some of us don't have the right
23 to discuss things or be heard.

1 ACTING PRESIDENT FARLEY: Senator
2 Jones in the affirmative. Continue the roll
3 call.
4 THE SECRETARY: Senator Kruger.
5 (There was no response.)
6 Senator Kuhl.
7 SENATOR KUHL: Aye.
8 THE SECRETARY: Senator Lack.
9 SENATOR LACK: Aye.
10 THE SECRETARY: Senator Larkin.
11 SENATOR LARKIN: Aye.
12 THE SECRETARY: Senator LaValle.
13 SENATOR LAVALLE: Aye.
14 THE SECRETARY: Senator
15 Leichter.
16 SENATOR LEICHTER: No.
17 THE SECRETARY: Senator Levy.
18 (There was no response.)
19 Senator Libous.
20 SENATOR LIBOUS: Yes.
21 THE SECRETARY: Senator Maltese.
22 SENATOR MALTESE: Aye.
23 THE SECRETARY: Senator Marchi.

1 SENATOR MARCHI: Aye.
2 THE SECRETARY: Senator Marino.
3 (Affirmative indication.)
4 THE SECRETARY: Aye.
5 Senator Markowitz.
6 SENATOR MARKOWITZ: No.
7 ACTING PRESIDENT FARLEY: Would
8 you call Senator Levy's name.
9 THE SECRETARY: Senator Levy.
10 SENATOR LEVY: Aye.
11 THE SECRETARY: Senator Mendez.
12 SENATOR MENDEZ: No.
13 THE SECRETARY: Senator
14 Montgomery.
15 SENATOR MONTGOMERY: No.
16 THE SECRETARY: Senator Nanula.
17 (There was no response.)
18 Senator Nolan.
19 (There was no response.)
20 Senator Nozzolio.
21 SENATOR NOZZOLIO: Aye.
22 THE SECRETARY: Senator
23 Ohrenstein.

1 (Negative indication.)
2 THE SECRETARY: No.
3 Senator Onorato.
4 SENATOR ONORATO: No.
5 THE SECRETARY: Senator
6 Oppenheimer.
7 SENATOR OPPENHEIMER: I would
8 like to explain.
9 ACTING PRESIDENT FARLEY: Senator
10 Oppenheimer to explain her vote.
11 SENATOR OPPENHEIMER: While it
12 can be said I just briefly support what Senator
13 Hoffmann and Senator Jones said, I'm voting yes
14 but I'm very disappointed that the Republicans
15 did not include one member of the Minority in
16 this house in this group to consider this.
17 ACTING PRESIDENT FARLEY: Senator
18 Oppenheimer in the affirmative. Continue the
19 roll call.
20 THE SECRETARY: Senator Padavan.
21 SENATOR PADAVAN: Aye.
22 THE SECRETARY: Senator Pataki
23 excused.

1 Senator Paterson.
2 SENATOR PATERSON: No.
3 THE SECRETARY: Senator Present.
4 (There was no response.)
5 Senator Rath.
6 SENATOR RATH: Aye.
7 THE SECRETARY: Senator Saland.
8 SENATOR SALAND: Aye.
9 THE SECRETARY: Senator
10 Santiago.
11 SENATOR SANTIAGO: No.
12 THE SECRETARY: Senator Sears.
13 SENATOR SEARS: Aye.
14 THE SECRETARY: Senator Seward.
15 SENATOR SEWARD: Aye.
16 THE SECRETARY: Senator Skelos.
17 SENATOR SKELOS: Yes.
18 THE SECRETARY: Senator Smith.
19 SENATOR SMITH: No.
20 THE SECRETARY: Senator Solomon.
21 SENATOR SOLOMON: No.
22 THE SECRETARY: Senator Spano.
23 (There was no response.)

1 Senator Stachowski.

2 SENATOR STACHOWSKI: To explain
3 my vote.

4 ACTING PRESIDENT FARLEY: Senator
5 Stachowski to explain his vote.

6 SENATOR STACHOWSKI: We have a
7 problem here again with no Minority appoint
8 ments. Most members on the floor understand
9 this situation that had previously been going
10 on, but it seemed to disinvolve itself.

11 However, Senator Holland still
12 doesn't get it. He gets up after to explain his
13 vote and says there's this Democrat, that
14 Democrat, the Comptroller is a Democrat. That
15 doesn't matter. The point is that the Minority
16 Leader in the Assembly doesn't get an
17 appointment, and the Minority Leader in the
18 Senate doesn't get an appointment, and that's
19 the problem.

20 It's not the bill, it's not the
21 merits of the bill, and it has nothing to do
22 with you. The issue is we're trying to get
23 around that system. We're not trying to take

1 control of these various appointments. All
2 we're saying is that there's 26 members here and
3 however many members in the Assembly Minority
4 that should at least have a voice on these
5 various commissions and committees and bodies
6 that we put together that handle these various
7 issues, and to disenfranchise all the people
8 that they represent just nonchalantly by saying,
9 Well, you know the Comptroller is a Democrat and
10 the Governor is a Democrat, that just doesn't
11 get it, and for that reason and not for any
12 reason but the merit of the bill, I vote no.

13 ACTING PRESIDENT FARLEY: Senator
14 Stachowski is in the negative. Continue the
15 roll call.

16 THE SECRETARY: Senator
17 Stafford.

18 SENATOR STAFFORD: Aye.

19 THE SECRETARY: Senator
20 Stavisky.

21 (There was no response.)

22 Senator Trunzo.

23 SENATOR TRUNZO: Aye.

1 THE SECRETARY: Senator Tully.
2 (There was no response.)
3 Senator Tully.
4 ACTING PRESIDENT FARLEY: Senator
5 Tully.
6 SENATOR TULLY: Aye.
7 THE SECRETARY: Senator Velella.
8 SENATOR VELELLA: Yes.
9 THE SECRETARY: Senator Volker
10 excused.
11 Senator Waldon.
12 (There was no response.)
13 Senator Wright.
14 SENATOR WRIGHT: Aye.
15 ACTING PRESIDENT FARLEY:
16 Absentees.
17 THE SECRETARY: Senator Babbush.
18 (There was no response.)
19 Senator Bruno.
20 SENATOR BRUNO: Yes.
21 THE SECRETARY: Senator
22 DeFrancisco.
23 SENATOR DeFRANCISCO: Yes.

1 THE SECRETARY: Senator DiCarlo.
2 SENATOR DiCARLO: Aye.
3 THE SECRETARY: Senator
4 Gonzalez.
5 (There was no response.)
6 Senator Kruger.
7 (There was no response.)
8 Senator Nanula.
9 (There was no response.)
10 Senator Nolan.
11 (There was no response.)
12 Senator Present.
13 SENATOR PRESENT: Aye.
14 THE SECRETARY: Senator Spano.
15 SENATOR SPANO: Aye.
16 THE SECRETARY: Senator
17 Stavisky.
18 (There was no response.)
19 Senator Waldon.
20 (There was no response.)
21 ACTING PRESIDENT FARLEY:
22 Results.
23 THE SECRETARY: Ayes 37, nays

1 15.

2 ACTING PRESIDENT FARLEY: The
3 bill is passed.

4 Senator Kuhl.

5 SENATOR KUHL: Mr. President,
6 would you call up Calendar Number 1408, please.

7 ACTING PRESIDENT FARLEY: 1408,
8 the Secretary will read it.

9 THE SECRETARY: Calendar Number
10 1408, by Senator Padavan, Senate Bill Number
11 8624, an act to amend the General Municipal
12 Law.

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

15 SENATOR GOLD: Wait a minute, Mr.
16 President. Explanation.

17 ACTING PRESIDENT FARLEY:
18 Explanation has been asked for by Senator Gold,
19 Senator Padavan.

20 SENATOR PADAVAN: Mr. President,
21 this bill would require that local government
22 employees cooperate with INS and not be
23 precluded by either local law or executive order

1 from reporting illegal aliens who have committed
2 a crime or are in this country obviously
3 illegally.

4 SENATOR GOLD: Mr. President.

5 ACTING PRESIDENT FARLEY: Senator
6 Gold.

7 SENATOR GOLD: Will Senator
8 Padavan yield to a question?

9 ACTING PRESIDENT FARLEY: Would
10 you yield to a question from Senator Gold,
11 Senator Padavan?

12 SENATOR PADAVAN: Yes.

13 ACTING PRESIDENT FARLEY: Yes, he
14 will.

15 SENATOR GOLD: Senator Padavan,
16 yesterday at the Rules Committee meeting, we
17 discussed this, and I believe you indicated that
18 in the city of New York there is an executive
19 order that says that if the victim of a crime is
20 an illegal alien that a police officer may not
21 inform INS; is that right?

22 SENATOR PADAVAN: Executive order
23 precludes reporting by the police department of

1 an illegal alien under those circumstances.

2 SENATOR GOLD: And what -- if the
3 Senator will yield to a question. Wasn't it
4 also discussed, Senator, that there's a new
5 mayor. If Mayor Giuliani doesn't like that
6 order, he can rescind that order and tell the
7 police to do something differently. We don't
8 need a state law; isn't that correct?

9 SENATOR PADAVAN: There's also
10 Local Law 52 which was adopted by the City
11 Council that has a similar provision. In answer
12 to your question, yes.

13 SENATOR GOLD: And what is the
14 provision in the local law?

15 SENATOR PADAVAN: Very similar
16 wording.

17 SENATOR GOLD: Well, what does it
18 say; what does it apply to?

19 SENATOR PADAVAN: Illegal aliens.

20 SENATOR GOLD: Who does it deal
21 with, Senator?

22 SENATOR PADAVAN: All illegal
23 aliens.

1 SENATOR GOLD: Senator, I'm not
2 sparring with you. Who -- does it apply to
3 every City employee?

4 SENATOR PADAVAN: Every City
5 employee.

6 SENATOR GOLD: All right. Mr.
7 President, on the bill.

8 ACTING PRESIDENT FARLEY: On the
9 bill, Senator Gold.

10 SENATOR GOLD: Mr. President, we
11 discussed this bill at Rules Committee yesterday
12 and, while it may seem simple enough, it really
13 isn't. Here again, the state of New York is
14 being asked to undertake what are basically
15 federal functions, but I want to point out that
16 one of the functions that we're dealing with
17 here deals with police officers.

18 Now, in the city of New York we
19 have people, and it's no secret, there are
20 illegal aliens there, and we have made
21 provisions in the past so, for example, when
22 there was a census, the census was made very
23 clear that we wanted to know who is in this

1 country and that the census officials would not
2 report to Immigration if there were people here
3 illegally, because it's important to know.

4 Now, in the police department, it
5 also has some significance. If you have a
6 woman, God forbid, who is an illegal alien and
7 she is abused or raped and is afraid to make the
8 complaint because now she will be turned over to
9 Immigration, what does that say and what does
10 that do? And then if you have someone who is a
11 serial rapist, by the time he gets to raping
12 someone who you determine is legal, they're
13 going to say, How come this guy committed four
14 crimes before and was never brought to justice?

15 The answer is there's a reason, a
16 social reason, why a former mayor determined
17 that the police department should not be turning
18 in victims -- victims in situations like that.
19 Now, if this mayor disagrees with it, let him do
20 something about it. There are also city
21 agencies that deal in all kinds of social
22 programs. Some of them involve -- are involved
23 with feeding children and taking care of

1 families, and they have serious responsibilities
2 and they need the respect of communities.

3 Therefore, Senator -

4 SENATOR PADAVAN: Would the
5 Senator yield?

6 SENATOR GOLD: Pardon me?

7 SENATOR PADAVAN: Would you
8 yield?

9 SENATOR GOLD: Be glad to.

10 SENATOR PADAVAN: Senator, I
11 would like to direct your attention to the bill
12 which is not very lengthy. It says: Where any
13 agent or agency reasonably suspects to have
14 committed a crime and be in violation of federal
15 immigration laws; so the issue here is, those
16 who are here illegally who have committed a
17 crime, not exclusive of one another, but
18 together. So I'm bringing this up because what
19 you're saying is not relevant.

20 This bill relates to those
21 individuals who are not only here illegally in
22 this country, but who have also committed a
23 crime. That's the narrow focus. It does not

1 relate to illegal aliens who are in this country
2 who have not committed a crime.

3 SENATOR GOLD: Fine. Thank you.

4 Mr. President, as I was saying,
5 the fact of the matter is that people in the
6 City agencies have to deal with community and
7 they have to have a relationship and respect
8 with those communities and you don't create that
9 relationship and respect if people who do not
10 speak the language entirely perfectly and don't
11 understand everything are concerned that when
12 they deal with City government, they are in
13 jeopardy and jeopardizing other members of their
14 family.

15 Now, if the City Council wants to
16 revoke that legislation, they have a right to do
17 it. If the mayor wants to revoke it -- and the
18 mayor is now Republican -- he can revoke it, but
19 I don't think that we have to enter this field.
20 I don't think we are the guardian of the
21 Immigration and Naturalization Service; we're
22 not the guardians of the draft board. We're not
23 the guardians of the federal government, and I

1 think that that is -- that is the simple and
2 really basic point, and I think that this bill
3 is a problem.

4 ACTING PRESIDENT HOLLAND: Read
5 the last section.

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

8 ACTING PRESIDENT HOLLAND: Call
9 the vote.

10 (The Secretary called the roll.)

11 THE SECRETARY: Those recorded in
12 the negative on Calendar Number 1408 are
13 Senators Espada, Galiber, Gold, Markowitz,
14 Mendez, Ohrenstein, Paterson, Santiago and
15 Smith. Ayes 49, nays 9.

16 ACTING PRESIDENT HOLLAND: The
17 bill is passed.

18 SENATOR GALIBER: Mr. President.

19 ACTING PRESIDENT HOLLAND:
20 Senator Galiber.

21 SENATOR GALIBER: Thank you, Mr.
22 President.

23 Mr. President, unfortunately or

1 perhaps fortunately, I was not here yesterday
2 but if I had been here, I would like the record
3 to record that I would have voted against each
4 and every bill that was on yesterday.

5 Thank you.

6 ACTING PRESIDENT HOLLAND: All
7 bills, so ordered.

8 Senator Paterson.

9 SENATOR PATERSON: Mr. President,
10 not being nearly as negative as Senator Galiber,
11 but sharing a lot of his sentiments, there are
12 only two bills that I would like to be recorded
13 in the negative with unanimous consent. They
14 were today, Bills 1326 and 1393.

15 ACTING PRESIDENT HOLLAND: With
16 no objection.

17 SENATOR LEICHTER: Mr.
18 President.

19 SENATOR PATERSON: Mr. President,
20 that was yesterday.

21 ACTING PRESIDENT HOLLAND: Yes.
22 Senator Paterson, 1393 was a slow roll call. We
23 can record you as, if you had been there, you

1 would have voted negative. Hang on one second.

2 You voted no yesterday -- today.

3 SENATOR PATERSON: I already
4 voted, Mr. President?

5 ACTING PRESIDENT HOLLAND: That's
6 what I'm told.

7 SENATOR PATERSON: Well, then
8 I'll stand with the first vote, Mr. President.

9 SENATOR LEICHTER: Mr.
10 President.

11 ACTING PRESIDENT HOLLAND:
12 Senator Leichter.

13 SENATOR LEICHTER: Yes. May I
14 have unanimous consent to be recorded in the
15 negative on Calendar 1418, please.

16 ACTING PRESIDENT HOLLAND: With
17 no objection, so ordered.

18 Senator Kuhl?

19 Senator Santiago.

20 SENATOR SANTIAGO: Mr. President,
21 I'd like to be recorded in the negative on
22 Calendars 1106, 1365, 1290 and 1424.

23 ACTING PRESIDENT HOLLAND:

1 Without objection, so ordered.

2 Senator Santiago.

3 SENATOR SANTIAGO: I would like
4 to be recorded in the negative on 1408 as well.

5 ACTING PRESIDENT HOLLAND:
6 Without objection.

7 SENATOR SANTIAGO: Thank you.

8 ACTING PRESIDENT HOLLAND: So
9 ordered.

10 Senator Kuhl.

11 SENATOR KUHL: Yes, Mr.
12 President. Could we have the Senate stand at
13 ease for a few moments.

14 ACTING PRESIDENT HOLLAND: The
15 Senate will stand at ease.

16 SENATOR KUHL: Mr. President, on
17 behalf of Senator Levy, I'd like to announce an
18 immediate Majority Conference in the Majority
19 Conference Room, 332, to be followed by a Rules
20 Committee meeting to be later announced off the
21 floor. The Senate will stand at ease awaiting
22 the report.

23 ACTING PRESIDENT HOLLAND: Senate

1 will stand at ease. There will be an immediate
2 meeting of the Majority in Room 332.

3 ACTING PRESIDENT KUHL: Senate
4 will come to order momentarily. The Chair
5 recognizes Senator Connor.

6 SENATOR CONNOR: Thank you, Mr.
7 President.

8 Mr. President, may I have
9 unanimous consent to be recorded in the negative
10 on Calendar Number 1408?

11 ACTING PRESIDENT KUHL: Without
12 objection, Senator Connor will be recorded in
13 the negative on Calendar Number 1408.

14 Senator Galiber.

15 SENATOR GALIBER: Yes. I'd like
16 to have unanimous consent to be recorded in the
17 negative on Calendar Number 148.

18 ACTING PRESIDENT KUHL: 148.

19 SENATOR GALIBER: 705.

20 ACTING PRESIDENT KUHL: 705.

21 SENATOR GALIBER: 715.

22 ACTING PRESIDENT KUHL: 715.

23 SENATOR GALIBER: 1106.

1 ACTING PRESIDENT KUHL: 1106.
2 SENATOR GALIBER: Yeah, 1290.
3 ACTING PRESIDENT KUHL: 1290.
4 SENATOR GALIBER: 1365.
5 ACTING PRESIDENT KUHL: 1365.
6 SENATOR GALIBER: 1389.
7 ACTING PRESIDENT KUHL: 1389.
8 SENATOR GALIBER: 1402.
9 ACTING PRESIDENT KUHL: 1402.
10 SENATOR GALIBER: 1419.
11 ACTING PRESIDENT KUHL: 1419.
12 SENATOR GALIBER: And 1424.
13 ACTING PRESIDENT KUHL: And
14 1424. Without objection, Senator Galiber will
15 be recorded in the negative on those bills.
16 SENATOR GALIBER: Thank you for
17 your patience.
18 SENATOR STAVISKY: Mr. President,
19 I'd like unanimous consent to be recorded in the
20 negative on following bills.
21 ACTING PRESIDENT KUHL: Without
22 objection, Senator Stavisky will be recorded in
23 the negative on the following bills.

1 SENATOR STAVISKY: 715.
2 ACTING PRESIDENT KUHL: 715.
3 SENATOR STAVISKY: 1290.
4 ACTING PRESIDENT KUHL: 1290.
5 SENATOR STAVISKY: 1326.
6 ACTING PRESIDENT KUHL: 1326.
7 SENATOR STAVISKY: 1365.
8 ACTING PRESIDENT KUHL: 1365.
9 SENATOR STAVISKY: And 1408.
10 ACTING PRESIDENT KUHL: 1408.
11 SENATOR STAVISKY: 1419.
12 ACTING PRESIDENT KUHL: 1419.
13 SENATOR STAVISKY: And 1424.
14 ACTING PRESIDENT KUHL: And
15 1424.
16 SENATOR STAVISKY: Thank you, Mr.
17 President.
18 ACTING PRESIDENT KUHL: Senate
19 will continue to stand at ease.
20 (The Senate stood at ease from
21 2:50 p.m. to 5:00 p.m.)
22 ACTING PRESIDENT KUHL: The
23 Senate will come to order. The Chair recognizes

1 Senator Present.

2 SENATOR PRESENT: Mr. President,
3 there will be an immediate meeting of the Rules
4 Committee in Room 332.

5 ACTING PRESIDENT KUHL: All
6 members listening to the chamber, immediate
7 meeting of the Rules Committee in the Majority
8 Conference Room, Room 332. Immediate meeting of
9 the Rules Committee. The Senate will stand at
10 ease awaiting the report of the Rules Committee.

11 The Senate will stand at ease
12 awaiting the Rules report. Senator Present, we
13 have some housekeeping we could do if that would
14 be acceptable. Senate will stand at ease
15 awaiting the Rules report.

16 (The Senate stood at ease from
17 5:00 to 5:39 p.m.)

18 ACTING PRESIDENT LARKIN: Mr.
19 President -- Senator Bruno.

20 SENATOR BRUNO: Mr. President, I
21 would like to have unanimous consent to be voted
22 in the negative on Calendar Number 434. Thank
23 you, Mr. President.

1 SENATOR LARKIN: Senator Jones.

2 SENATOR JONES: Yes, Mr.

3 President. I would like unanimous consent to be
4 recorded in the negative on Calendar Number
5 1106.

6 ACTING PRESIDENT LARKIN: Without
7 objection, so ordered.

8 Senator Present.

9 SENATOR PRESENT: Can we return
10 to motions?

11 On behalf of Senator Johnson, I
12 wish to call up his bill Senate Print 3187-A
13 recalled from the Assembly which is now at the
14 desk.

15 ACTING PRESIDENT LARKIN:
16 Secretary will read.

17 THE SECRETARY: By Senator
18 Johnson, Senate Bill 3187-A, an act to amend the
19 Executive Law.

20 SENATOR PRESENT: I now move to
21 reconsider the vote by which this bill was
22 passed.

23 (The Secretary called the roll on

1 reconsideration.)

2 THE SECRETARY: Ayes 59.

3 SENATOR PRESENT: Mr. President,
4 the bill now being back to the order of third
5 reading, I offer the following amendments.

6 On behalf of Senator LaValle,
7 I offer the following amendments to Calendar
8 Number 1060, Senate Print 5340, and ask it
9 retain its place on the Third Reading Calendar.

10 ACTING PRESIDENT LARKIN:
11 Amendments received.

12 SENATOR PRESENT: On behalf of
13 Senator Volker, I offer the following amendments
14 to Calendar Number 885, Senate Print 2109-B, and
15 ask the bill retain its place on the Third
16 Reading Calendar.

17 ACTING PRESIDENT LARKIN:
18 Amendments received.

19 SENATOR PRESENT: Mr. President,
20 can we return to reports of standing
21 committees.

22 ACTING PRESIDENT LARKIN: Reports
23 of standing committees.

1 THE SECRETARY: Senator Marino,
2 from the Committee on Rules, reports the
3 following bills directly for third reading:
4 Senate Bill Number 426-A, by
5 Senator Stavisky, an act to amend the Penal Law;
6 885-A, by Senator Saland, an act
7 to amend the Public Health Law;
8 2207-B, by Senator Hannon, an act
9 to amend the Public Health Law;
10 2553-A, by Senator Johnson, an
11 act to amend the State Finance Law;
12 2565-A, by Senator Mendez, Mental
13 Hygiene Law;
14 4675, by Senator Cook, an act to
15 amend the Social Services Law;
16 4711-B, by Senator Present, an
17 act to amend the State Administrative Procedure
18 Act;
19 5176-A, by Senator Hannon,
20 General Obligations Law;
21 5507, by Senator Saland, Real
22 Property Law;
23 5994-A, by Senator Skelos, Public

1 Health Law;
2 6560-B, by Senator Saland, State
3 Finance Law;
4 6651, by Senator Maltese, New
5 York to reconvey its interest in certain real
6 property;
7 6759, by Senator LaValle, State
8 Finance Law;
9 6884-A, by Senator Present,
10 Public Authorities Law;
11 6948-A by Senator Trunzo, Civil
12 Service Law;
13 7482, by Senator Volker, General
14 Municipal Law;
15 7616, by Senator Smith, city of
16 New York to reconvey its interest in certain
17 real property;
18 7731, by Senator Saland, Family
19 Court Act;
20 8070-B, by Senator Skelos,
21 Estates, Powers and Trusts Law;
22 8229-A, by Senator Levy, Real
23 Property Tax Law;

1 8255-A, by Senator Trunzo,
2 Retirement and Social Security Law;
3 8321-B, by Senator Sears, amends
4 Chapter 147 of the Laws of 1994;
5 8479-A, by Senator Maltese,
6 Retirement and Social Security Law;
7 8527, by Senator Lack,
8 appointment of certain non-judicial officers and
9 employees;
10 8602, by Senator DiCarlo, Vehicle
11 and Traffic Law;
12 8653, by Senator Cook, making an
13 additional apportionment of building aid for the
14 Ellenville Central School;
15 8677, by Senator Maltese, Vehicle
16 and Traffic Law;
17 8722, by Senator Kuhl, Vehicle
18 and Traffic Law;
19 8728, by the Committee on Rules,
20 Public Authorities Law;
21 8748, by Senator Spano,
22 Retirement and Social Security Law;
23 8770, by Senator Stafford,

1 Racing, Pari-Mutuel Wagering and Breeding Law.

2 All bills reported directly for
3 third reading.

4 ACTING PRESIDENT LARKIN: Without
5 objection, all bills reported directly to third
6 reading.

7 Senator Present.

8 SENATOR PRESENT: Mr. President,
9 on behalf of Senator Holland, I wish to call up
10 his bill, Print 7136, recalled from the Assembly
11 which is now at the desk.

12 ACTING PRESIDENT LARKIN:
13 Secretary will read.

14 THE SECRETARY: By Senator
15 Holland, Senate Bill Number 7136, an act to
16 amend the Tax Law and Chapter 491 of the Laws of
17 1993.

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

21 ACTING PRESIDENT LARKIN: Call
22 the roll on reconsideration.

23 (The Secretary called the roll on

1 reconsideration.)

2 THE SECRETARY: Ayes 59.

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

5 ACTING PRESIDENT LARKIN:
6 Amendments received.

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

10 ACTING PRESIDENT LARKIN: The
11 Senate stands adjourned until 11:00 a.m.
12 tomorrow. Those in your office remember what
13 the presiding officer said, that he wanted
14 everybody here at 11:00 a.m. tomorrow morning.

15 SENATOR PRESENT: Good.

16 (Whereupon, at 6:17 p.m., the
17 Senate adjourned.)

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